



**OFFICE OF PROFESSIONAL STANDARDS**  
**CIVILIAN POLICE REVIEW BOARD**

# 2020 Annual Report



Cleveland, Ohio



# **CITY OF CLEVELAND**

## **Mayor Frank G. Jackson**

**Karrie D. Howard, Director**  
Department of Public Safety

**Roger Smith, Administrator**  
Office of Professional Standards

**Michael P. Graham, Chair**  
Civilian Police Review Board

**Office of Professional Standards &  
Civilian Police Review Board**  
205 West St. Clair, 3rd Floor  
Cleveland, Ohio 44113  
[www.clevelandohio.gov/ops](http://www.clevelandohio.gov/ops)

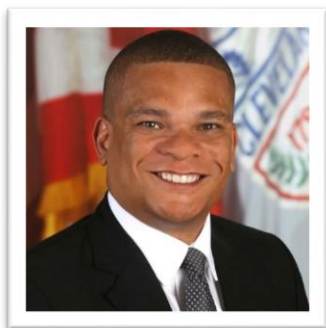
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## OPS Annual Report (January 1 through December 31, 2020)

# Table of Contents

Letter from the Director of Public Safety .....	4
Message from the OPS Administrator .....	5
Message from the CPRB Chair .....	6
OPS and CPRB Overview .....	7
Our Guiding Principles .....	8
OPS: Budget and Staff .....	9
CPRB: Budget and Membership.....	10
Biographies of CPRB Members .....	11
Settlement Agreement / Consent Decree .....	14
OPS Jurisdiction and Complaint Process.....	15
OPS Complaints Filed in 2020 .....	18
How Complaints were Received .....	20
Categories and Status of 2020 Complaints .....	21
OPS Administrative Dismissals and Closures .....	23
OPS Referrals .....	24
Timeliness of Investigations.....	25
Cases Heard by the CPRB .....	27
CPRB Dispositions .....	28
Wearable Camera Systems (WCS) and Case Dispositions .....	30
Chief and Director's Hearings .....	32
Discipline Concurrence .....	32
CPRB Resolutions .....	38
Complaints by Police District and Bureau .....	41
Where Complaint Incidents Occurred .....	41
Primary allegation and Officer Rank by Police District .....	44
Characteristics of Complainants .....	45
Characteristics of CDP Employees .....	47
Complainant and CDP Employee Demographic Pairings .....	50
Community Outreach.....	51
Goals for 2021 .....	52

# Letter from the Director of Public Safety



The Cleveland Department of Public Safety (“DPS”), the Office of Professional Standards (“OPS”) and the Civilian Police Review Board (“CPRB”) are committed to ensuring that we have a Cleveland Division of Police (“CPD”) that operates constitutionally, within department policy, while respecting the rule of law and rights of Cleveland’s citizens and visitors. This expectation of superior service is accomplished through strengthened community partnerships, effective communication, and transparency. The DPS and OPS are determined to be trusted community partners.

OPS fosters trust by acting on citizen complaints of CPD employees acting in contravention of Division policies and procedures. Once a complaint is received OPS strives to conduct a thorough and timely investigation. Through these objective investigations, CPD employees are held accountable with equitable sanctions and/or retraining. Our ultimate goal is to reduce incidents of misconduct, facilitate an environment of mutual trust, and create a safer community.

The CPRB, a group of volunteer citizens, stand ready to receive OPS investigations. The CPRB, in a public forum, reviews the complaints and make recommendations to the Chief of Police. The communication between the CPRB and the CPD is the realization of a crucial bridge between the community and the police.

Over the last year, we have seen tensions between community and police at a significant high. We have witnessed civil unrest nationally and experienced it first-hand here at home. We know this is born out of frustration with the community/police relationship and the use of excessive force. The mission of DPS, OPS, and CPRB is not just to take steps towards healing but also foster an environment of change. It is in all our interest that the City of Cleveland work to be a model of what we want to see from our uniformed officers and citizens alike. The solution resides in strong partnerships, open-mindedness, and a willingness to continue on in unity.

On behalf of Mayor Frank G. Jackson and DPS, I express appreciation to the OPS team and CPRB community volunteers. Your professionalism and resolute dedication to justice will continue to guide us to our goal. The 2020 Annual report provides an insight into the operations of OPS and the CPRB. Keep up the good work!

Sincerely,

**Karrie D. Howard**, Director  
*Department of Public Safety*

# Message from the OPS Administrator

*“To fight for change tomorrow, we need to build resilience today” – Sheryl Sandberg*

The events of 2020 reveal that the above statement applies to city agencies as well as individuals addressing a need for change. Unforeseen challenges characterized the year 2020. And OPS, like other institutions in Cleveland and throughout America, encountered several:

After more than five consecutive years of decline, the number of complaints received by OPS in 2020 spiked to 276, an increase of more than 25 percent over the number of cases received in 2019. Surprisingly, the sharp increase had little to do with the May 30th protests following the death of George Floyd, as these events produced a total of 12 OPS complaints and accounted for less than 5% of the cases received by OPS in 2020. Instead, the increase appears to be attributed to the increase in community awareness of the complaint process arising from the demonstrations which area residents put to use on other occasions.

At the end of February 2020, less than a month before the City of Cleveland closed buildings to the public, OPS lost its General Manager to another city agency. Due to budget constraints, the position has remained unfilled ever since. As the General Manager represents one-third of OPS supervisory staff and plays a central role in agency operations, the continuing vacancy in the position creates unsustainable pressure on OPS support staff and hinders the agency's pursuit of Consent Decree goals.

Through the determined efforts of investigators and support staff, OPS forged ahead, closing more than 175 cases, and conducting CPRB hearings for 102 cases in 2020. Additionally, disciplinary hearings and in-person officer interviews occurred with the minimum delay necessary to account for health and safety concerns. Approximately 76 percent of OPS cases were closed within 120 days of receipt.

Yet, the work required to make OPS an effective and fully equipped civilian oversight agency remains unfinished. Despite the encouraging improvements in the speed of case closures, cases must be closed faster. Also, OPS must do more to promote transparency through the public communication of its findings and to make its purpose known to diverse communities in Cleveland who remain reluctant to file civilian complaints. Pivotal national events, two federal consent decrees and many years of determined advocacy by local community advocates have brought Cleveland to a point where police accountability is no longer an optimistic hope, but a firm expectation. OPS will do its part to make police accountability a permanent reality for Cleveland residents.

Sincerely,

**Roger Smith**, Administrator  
*Office of Professional Standards*

# Message from the CPRB Chair

In 2020, the City of Cleveland's Civilian Police Review Board (CPRB) diligently continued its mission to receive, cause investigation of, and recommend resolution of complaints regarding allegations of misconduct by members of the Cleveland police force. In the face of the COVID-19 global pandemic, our board, like all of society, was forced to pause and pivot; however, by taking our work largely online, the board was able to continue hearing the complaints of the public. As always, the CPRB strove first and foremost to provide a fair and impartial venue where decisions were being made based on evidence, policy, and law.

At the outset of the year, the CPRB was eager to move forward with its work after spending a great deal of energy in 2019 to finally eliminate a longstanding backlog of hundreds of cases. While the pandemic forced the CPRB and the Office of Professional Standards (OPS) to slow our pace for a period of time while adjusting to the challenges of the pandemic, the board still was able to adjudicate just over 100 cases in 2020, a meaningful accomplishment given the current state of affairs.

The last twelve months have also brought the issue of police misconduct more clearly into the public consciousness than perhaps ever before. The City of Cleveland was ahead of the curve in establishing civilian review of its police force decades ago, and the CPRB is proud to continue serving as a place where the public can turn to address grievances with treatment by the police. The CPRB will continue as a check and balance on the police power of the government and a venue for those outside law enforcement to air concerns about the actions of the police.

I would like to thank my fellow board members who dedicate a significant amount of time and much thought in reviewing and considering the cases brought before the board. And on behalf of the entire board, I would again extend our thanks to the staff of investigators and the entire team at OPS. Finally, I would like to thank the CPRB's Secretary, LeeAnn Hanlon, whose excellence over the past few years has helped transform our efficiency and effectiveness. Her work is invaluable in allowing our board to operate at a high level.

In 2021, the CPRB looks forward as we all do to emerging from the COVID-19 pandemic and moving towards resuming a more normal course of business and continuing our mission of civilian police oversight.

Sincerely,

**Michael P. Graham**, Chair  
*Civilian Police Review Board*



# OPS and CPRB Overview

## **PURPOSE**

To ensure constitutional, lawful, accountable, effective, and respectful policing and to promote public safety, there must be trust between police and the community they serve. For that reason, the City established the Office of Professional Standards (“OPS”) via Charter Amendment, Sections 115-1 through 115-4, effective August 8, 2008.

OPS is an independent agency within the City of Cleveland Department of Public Safety. It has the responsibility of receiving and investigating non-criminal complaints filed by members of the public against sworn and non-sworn Cleveland Division of Police employees. OPS is also empowered to make findings and recommend action to the Civilian Police Review Board (“CPRB”) regarding those complaints.

The CPRB reviews misconduct complaints investigated by OPS and makes recommendations for resolution to the Chief of Police. Prior to recommending discipline or determining that a complaint warrants no action, the CPRB may hold a public hearing. Upon making its decision, the CPRB submits its findings and recommendations to the Chief of Police and notifies the complainant of the disposition.

## **MISSION**

The mission of OPS and CPRB is to increase accountability and improve public confidence in the police by receiving and fairly, thoroughly, objectively, and timely investigating and resolving misconduct complaints against Cleveland Division of Police employees. As part of its mission, OPS is also empowered to make policy recommendations that will improve the citizen complaint process, increase understanding between the public and CDP employees, reduce the incidence of misconduct and reduce the risk of the use of force by CDP officers. OPS and CPRB are committed to providing the community with an accessible and safe environment in which to file complaints and have their complaints heard.

## **VISION**

Through effective community engagement and informational outreach, OPS seeks to grow civilian oversight’s permanent presence within the Cleveland community and in the ongoing citywide conversation.

# Our Guiding Principles

*The responsibility entrusted by the people of the City of Cleveland to OPS and CPRB is a sacred public trust*

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The mission of the Office of Professional Standards is to investigate complaints against Cleveland Division of Police personnel in a complete, fair and impartial manner, and present completed investigations to the Civilian Police Review Board for a hearing and disposition

---

1

We treat all people with courtesy, consideration, dignity, and respect.



2

We strive to maintain good working relationships with the community and with other agencies without compromising our independence.



3

We work to complete investigations without undue delay.



4

We strive to be fair and consistent, explaining our decisions clearly with plain language.



5

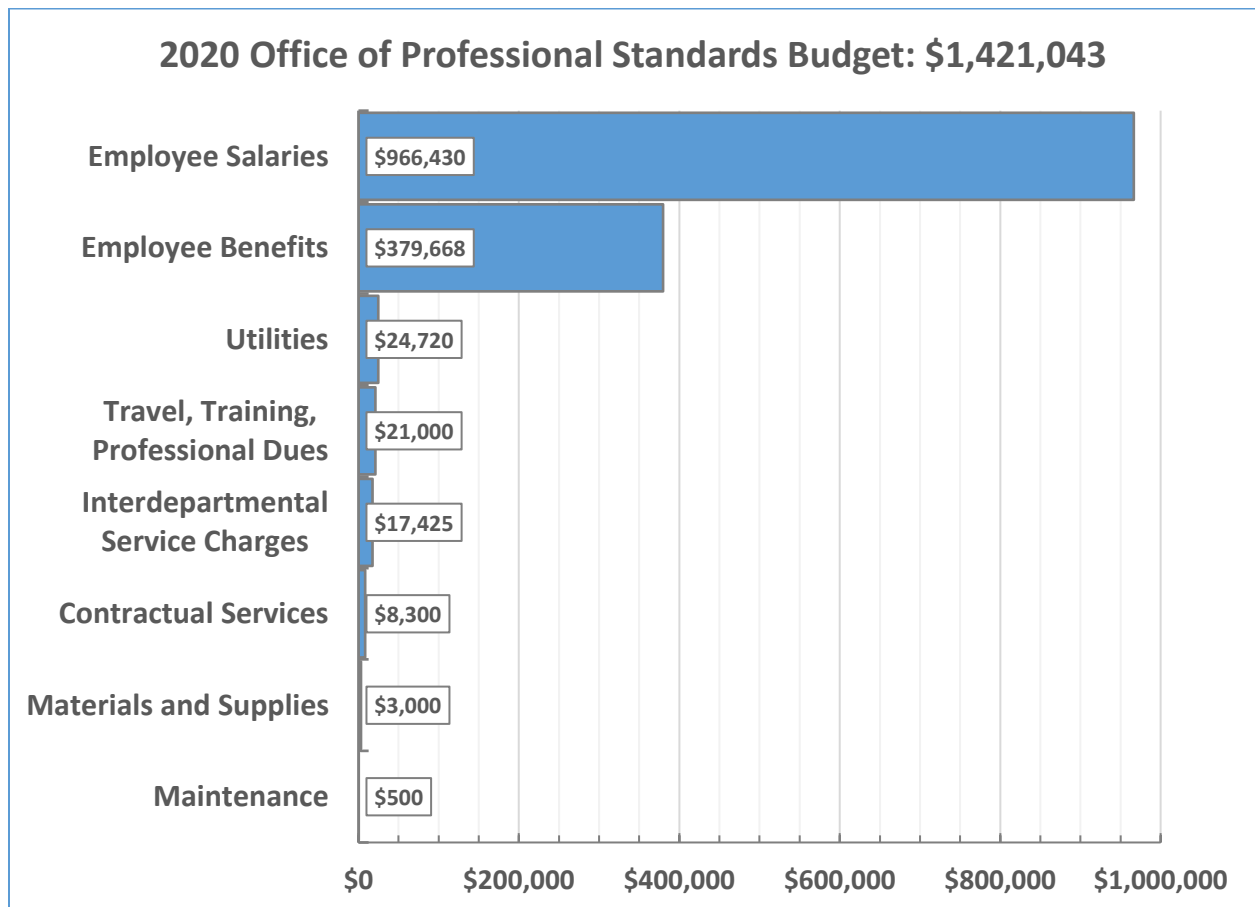
We remain committed to our mission and maintain our dedication to these guiding principles despite any challenges that may arise.





# OPS: Budget and Staff

The 2020 budget for the Office of Professional Standards (OPS) was \$1,421,043. Funds were allocated as follows (Figure 1):

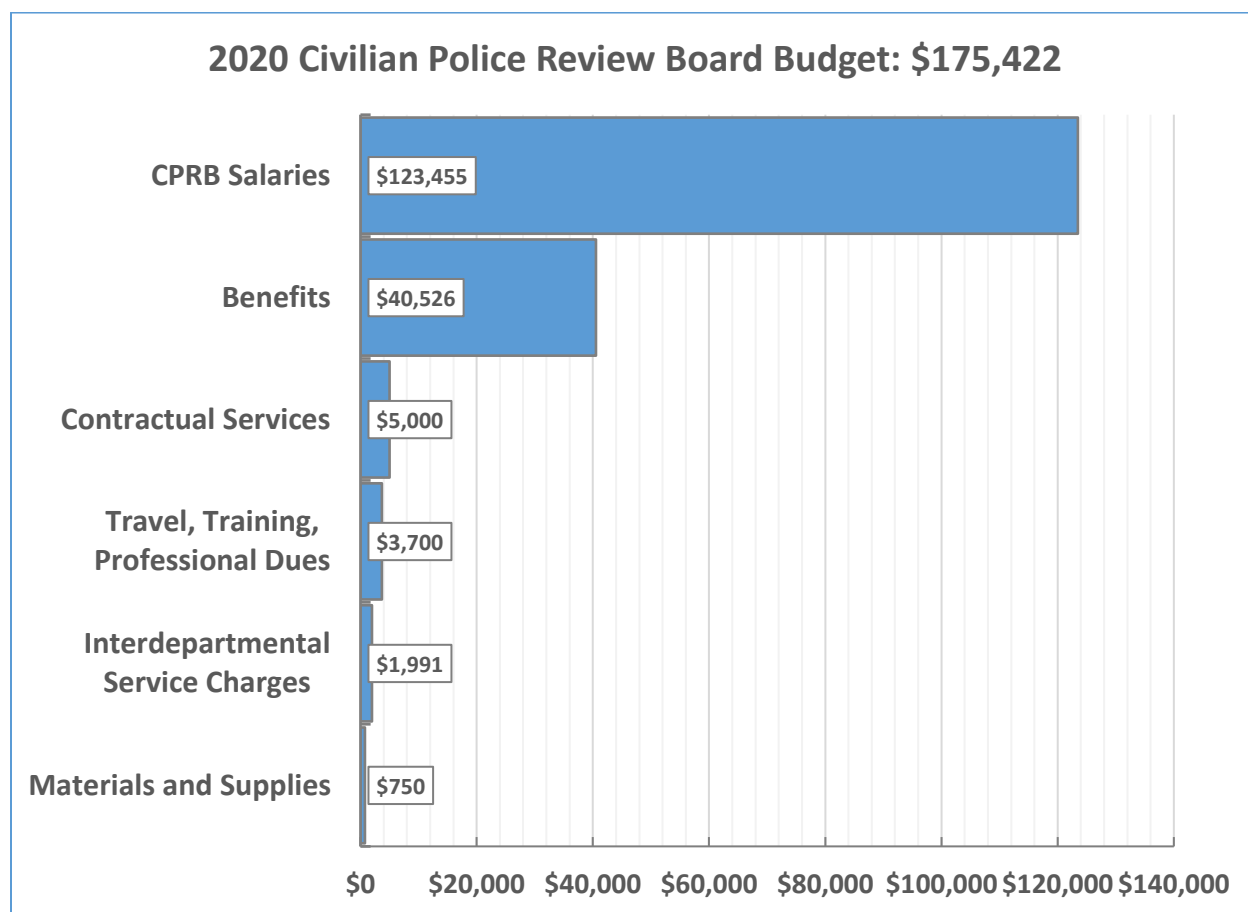


*Figure 1: Office of Professional Standards Budget in 2020*

At the end of 2020, the Office of Professional Standards had a 14-member staff: An Administrator, a Supervisory Investigator, a Research Analyst, a Community Engagement Coordinator, a Private Secretary, and 9 full-time Investigators.

## CPRB: Budget and Membership

The 2020 budget for the Civilian Police Review Board (CPRB) was \$175,422. Funds were allocated as follows (Figure 2):



*Figure 2: Civilian Police Review Board Budget in 2020*

The CPRB is typically comprised of 9 members. During 2020, the Board operated with 8 members for all twelve months. The Mayor appoints five members, and the City Council appoints the remaining four members. In an effort to be representative of all of Cleveland's diverse communities, each of the police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment. As required by the Charter of Cleveland, no member of the Board is employed currently as a law enforcement officer and no member is a current or former employee of the Cleveland Division of Police. The CPRB has a full-time employee, a Private Secretary, to handle the administrative duties of the Board.

## Biographies of CPRB Members

### **Michael P. Graham, Chair**

Michael P. Graham is owner and partner of Cleveland-based Strategy Design Partners, LLC, which is a strategy and communications consulting firm that works with non-profits, public agencies, and businesses. Mr. Graham is also a former assistant Cuyahoga County prosecutor. He still practices law. Mr. Graham was appointed by the City Council. Mr. Graham resides in the Second Police District. His term on the Board expires on February 8, 2021.

### **Ashley Mostella, Vice-Chair**

Ashley Mostella was born and raised in the 7th Ward on Cleveland's east side. She was introduced at a very young age to community and volunteer service by her father, Benny Mostella, a manager for many years with the Cleveland Department of Parks and Recreation. Ms. Mostella has volunteered for numerous community initiatives such as the Cleveland Food Bank, Karamus House (painting murals), school supply drives, and community awareness marches. Ms. Mostella has worked in banking, the insurance industry, and as a certified medical sales representative. Ms. Mostella attended the University of Akron and she resides in the Fifth Police District. She was appointed by the Mayor and her term on the Board expires on August 8, 2022.

### **Mary Clark**

Mary Clark has spent more than thirty years working in banking and finance. She graduated from high school in Lexington, Mississippi and has since worked in Cleveland at Huntington Bank, the UPS Store, and KeyCorp. Ms. Clark resides in the Fourth Police District. She was appointed by the Mayor and her term on the Board expires on December 20, 2021.

### **David Gatian**

David Gatian has resided with his family in Cleveland's First Police District since 1989. He is currently a commercial roofing consultant, is a U.S. Green Building Council LEED Accredited Professional and previously served in various human resources management roles. Mr. Gatian is a certified State of Ohio MMA judge and remains active in amateur wrestling. He has provided volunteer services for The Guiding Eyes for The Blind and was an active volunteer supporter of the Cleveland Gay Games. He and his wife, Marie-Josée, are a host family for the Lake Erie Crushers baseball team players in the summertime. He holds a Bachelor's Degree in Finance and Human Resources Management from California State University at Long Beach. He was reappointed by the Mayor and his term on the Board expires on February 1, 2024.

### **Michael P. Hess**

Michael P. Hess, Jr., was appointed to fill the board seat set aside for an 18 to 30-year old. A graduate of Case Western Reserve School of Law, Mr. Hess is currently working as a real estate attorney for a company located in downtown Cleveland. Mr. Hess has worked on political campaigns, and has been a legal intern and a legal assistant at several firms including the Cuyahoga County Department of Law. Mr. Hess was appointed by the City Council to fill an

unfilled position that opened on August 8, 2016. He resides in the Second Police District and his term on the Board expires on February 8, 2021.

### **Kenneth J. Mountcastle**

Kenneth J. Mountcastle was born and raised in Brookpark, Ohio and now resides in Cleveland's Third Police District. In 1975, he graduated from Berea High School and enlisted in the US Navy. He served the country proudly for twenty years and retired honorably in 1995 with the rank of Chief Petty Officer. Since 1995, he's held engineering and managerial positions at several companies, including Boeing, Lockheed Martin, Northrup Grumman, Computer Science, and BCT. For two years, he led his own consulting firm, Mountcastle Consulting. Mr. Mountcastle has a Master's Degree in Technical Management from John Hopkins University and a degree in Business Management from the University of Maryland, University College. He was appointed by the Mayor and his term on the Board expires on August 8, 2022.

### **Roslyn A. Quarto**

Roslyn A. Quarto was born and raised in New York and moved to Cleveland in the fall of 2012 and became the Executive Director of Empowering and Strengthening Ohio's People (ESOP) in April of 2013. Ms. Quarto holds a BA from Pennsylvania State University and a JD from St. John's University. She brings a diverse perspective through her experience as a non-profit, government and corporate executive and lawyer. In addition to participating on the CPRB, Ms. Quarto also serves on the Ohio Attorney General's Elder Justice Commission, and on the Board of Directors for the Hebrew Free Loan Association and the Ohio CDC Organization. Ms. Quarto resides in the Second Police District. She was reappointed by the Mayor and her term on the Board expires on February 1, 2024.

### **Ernest G. Turner**

Ernest G. Turner retired from the Cleveland Municipal School District in 2009 with more than 30 years' experience in teaching elementary and secondary education. Mr. Turner also served as a basketball, football and track coach during that time. He received his Bachelors of Arts Degree from Central State University in Comprehensive Social Studies and his Master's Degree from Cleveland State University, with a concentration in Diagnosis & Remediation of Reading Disorders. Mr. Turner has also served as a community advocate in his roles as a Precinct Committeeman for Ward 6, a member of the Buckeye Minsters in Mission Alliance, and the Acting President of the Hulda Avenue Street Club. Mr. Turner was appointed by the City Council and resides in the Fourth Police District. His term on the Board expires on August 16, 2021.

Civilian Police Review Board Members			
Member	District of Residence	Appointment	Term Expiration
Michael P. Graham	2nd	City Council	2/8/2021
Ashley Mostella	5th	Mayoral	8/8/2022
Mary Clark	4th	Mayoral	12/20/2021
David Gatian	1st	Mayoral	8/8/2020
Michael P. Hess	2nd	City Council	2/8/2021
Kenneth J. Mountcastle	3rd	Mayoral	8/8/2022
Mylonne Sullivan	5th	City Council	2/8/2021 (Resigned on 06/16/2020)
Roslyn A. Quarto	2nd	Mayoral	2/1/2020
Ernest G. Turner	4th	City Council	8/16/2021

Table 1: Civilian Police Review Board Members

*The Civilian Police Review Board reviews completed OPS investigations and makes recommended findings regarding conduct and discipline and provides an opportunity for citizens who believe they were treated unfairly to voice their concerns*

# Settlement Agreement / Consent Decree

Following a two-year investigation that concluded in 2014, the U.S. Department of Justice (“DOJ”) notified the City in a December 4, 2014 letter (“findings letter”) that there was “reasonable cause to believe that there was a pattern and practice of excessive force in Cleveland that violated the U.S. Constitution and federal law.”<sup>1</sup>

As it pertained to OPS, the DOJ determined that “civilian complaints of officer misconduct were not being adequately investigated.”<sup>2</sup> The DOJ findings letter stated that deficiencies in the OPS complaint process included “impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians’ complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.”<sup>3</sup>

In response to the DOJ’s findings, the City of Cleveland and DOJ entered into a court-enforceable Settlement Agreement that requires the City to make a number of fundamental changes to its police and civilian oversight policies, practices, procedures, training, use of data, and more. On June 12, 2015, the Settlement Agreement, also known as the “Consent Decree,” was approved and signed by the Chief Judge of the U.S. Northern District, Judge Solomon Oliver, Jr.<sup>4</sup> On October 1, 2015, the Cleveland Monitoring Team was appointed to oversee the City’s implementation of the Settlement Agreement.

Over the course of the 2018 calendar year, the OPS and the CPRB, with the assistance of the Cleveland Monitoring Team and the Department of Justice, have continued working to improve OPS practices and comply with the terms of the Settlement Agreement. Notable improvements include, the hiring of needed additional full-time staff, the continued training of the OPS and CPRB staff members, the updating of procedures as well as the introduction of new protocols designed to create close adherence to the OPS Manual.

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<sup>1</sup> Department of Justice Findings Letter, “Investigation of the Cleveland Division of Police”, pg. 2, <https://www.justice.gov/file/180576/download>

<sup>2</sup> Findings Letter, pg. 38

<sup>3</sup> Findings Letter, Pg. 39

<sup>4</sup> <http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/PublicSafety/Police/PoliceSettlementAgreement>

For a fuller description of the City’s progress (and challenges) in implementing the terms of the Settlement Agreement as it pertains to OPS and CPRB, please view the Monitor’s Semiannual reports, which can be found at: <http://www.clevelandpolicemonitor.net/resources-reports>.



# OPS Jurisdiction and Complaint Process

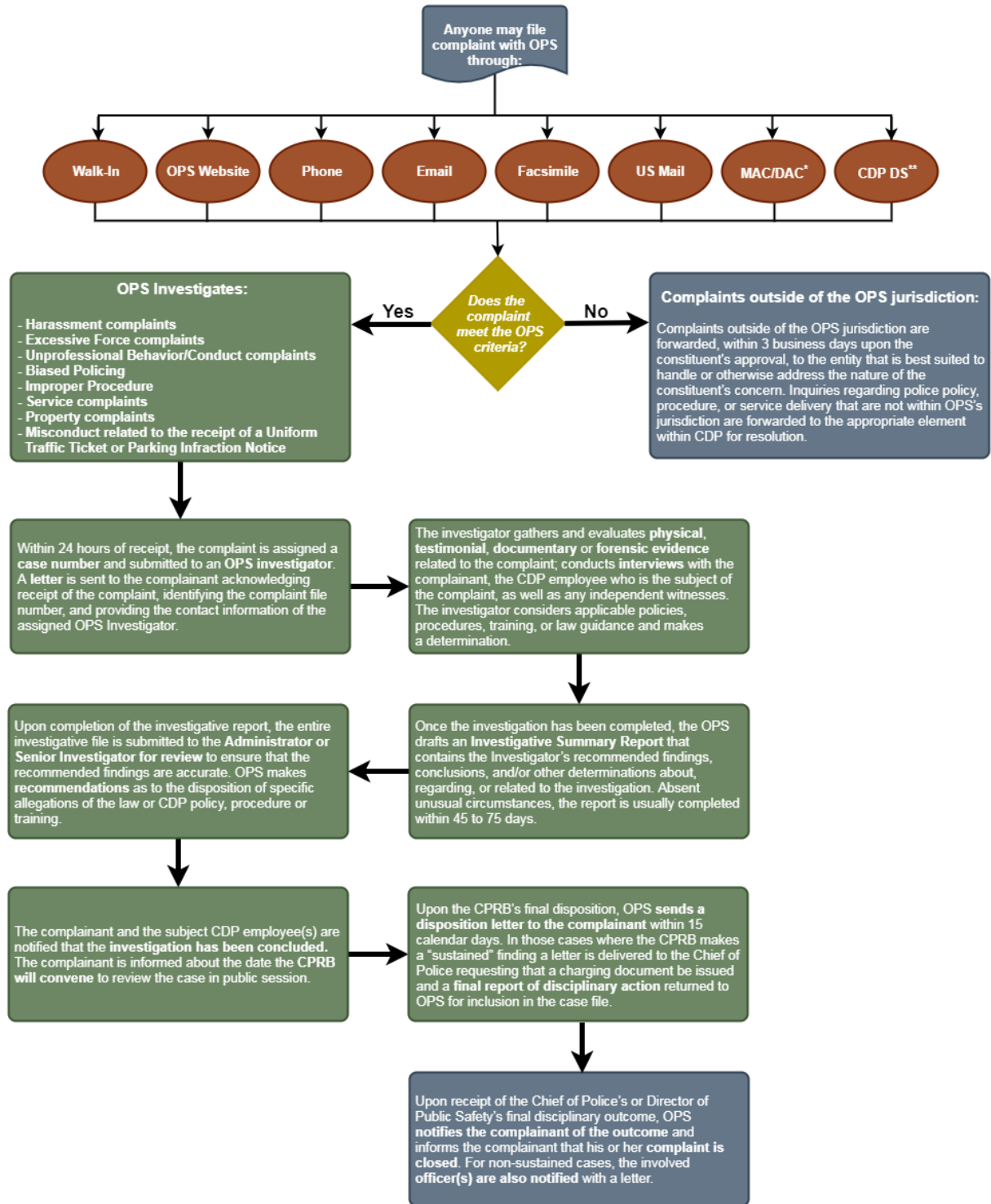
OPS has jurisdiction over the following types of misconduct complaints made against personnel of the Cleveland Division of Police:

1. **Harassment** complaints: to include those alleging bias policing, discrimination, and profiling;
2. **Excessive Force** complaints;
3. **Unprofessional Behavior/Conduct** complaints;
4. **Improper Procedure** complaints, including:
  - a. Improper Arrest
  - b. Improper Citations
  - c. Improper Search
  - d. Improper Stop
  - e. Improper Tow
5. **Service** complaints, including:
  - a. Insufficient CDP employee service
  - b. No CDP service;
6. **Property** complaints, including
  - a. missing property
  - b. damage to property; and,
7. **Misconduct** related to the receipt of a Uniform Traffic Ticket (UTT) or Parking Infraction Notice (PIN) if the Parking Infraction Notice was issued by CDP personnel.

Cases that fall outside of these parameters, and do not allege criminal conduct, are administratively dismissed and referred to the proper agency with the authority to address that matter, whenever possible. Citizen complaints alleging criminal conduct (i.e. theft, assault) are referred by the OPS Administrator to the CDP Internal Affairs Unit that has the responsibility for investigation of alleged criminal acts by CDP personnel.

As can be seen from the following flowchart, citizen complaints may be filed in person at the Office of Professionals Standards (OPS), or by U.S. mail, email, or facsimile to OPS. Citizen complaints may also be filed at the Cleveland Division of Police (CDP) Headquarters, any of the five (5) CDP District Stations, the Mayor's Action Center (MAC), or Director of Public Safety's Action Center (DAC). Citizens have also the ability to file their complaints online, through the OPS website (<http://www.clevelandohio.gov/ops>). All citizen complaints are identified by an OPS file tracking number and then assigned to a civilian Investigator.

## OPS Complaint Process



\* Mayor's Action Center (MAC) / Director of Public Safety's Action Center (DAC)

\*\* Cleveland Division of Police District Stations (CDP DS)

Once a file tracking number is designated and the complaint is assigned to a civilian Investigator, a preliminary review is conducted. If during the preliminary review it is determined that potential criminal conduct or activity may have occurred, then OPS refers the complaint to the Internal Affairs Unit of CDP. If there is no alleged criminal conduct or activity, then OPS will conduct the investigation. During the course of the investigation, the complainant and any potential witnesses are interviewed, and the assignment and duty reports of the Officer(s) involved, as well as all relevant documentation, are reviewed. The Officer(s) involved is required to respond to questions relevant to the complaint.

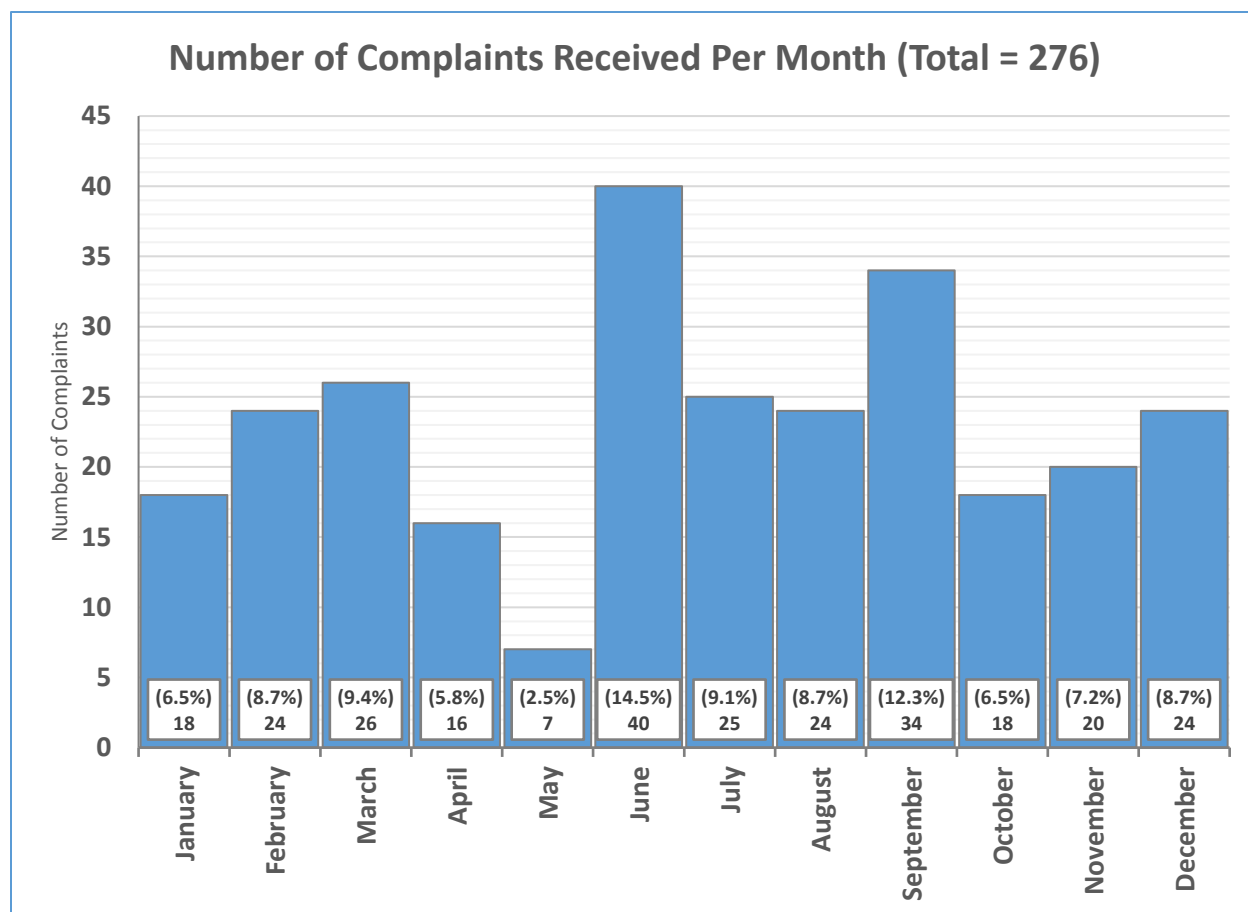
At the conclusion of the investigation, it is reviewed and approved by the OPS Administrator, who then forwards it to the Civilian Police Review Board (CPRB). The CPRB reviews all completed investigations conducted by OPS, deliberates, and determines if a civil violation of policy, training, or rules and regulations occurred. If the CPRB determines that a violation did occur, then it sustains the complaint and accordingly recommends the appropriate discipline to either the Chief of Police or the Director of Public Safety.

When the CPRB recommends discipline, a pre-disciplinary hearing is conducted in which OPS presents its investigation to either the Chief of Police or the Director of Public Safety, or his designated hearing officer. The Officer(s) involved, who is present along with his/her union representative(s), has the opportunity to respond to the charges filed against him/her. The Chief of Police or the Director of Public Safety makes the final decision whether or not to impose discipline against the Officer(s) who was the subject of the citizen complaint.

How complaints are received and investigations are conducted, the process in which the CPRB presides over cases and the results of the CPRB's findings are further outlined in the OPS and CPRB manuals located on the City of Cleveland's OPS website.

# OPS Complaints Filed in 2020

Anyone may file a complaint with OPS, including subjects of police incidents, recipients of police services, a witness to a police incident, a third party, a legal representative, an anonymous person, the OPS Administrator, or a member of the CPRB.



*Figure 3: Number of Complaints Received Per Month in 2020*

Figure 3, above, details the 276 complains the Office of Professional Standards received in 2020, an increase of 25.5 percent from the 220 complaints received in 2019, making 2020 the first year that the complaints have increased (compared to the previous year) since 2013 (see Figure 4 on next page).

The month of June was the busiest for the Office of Professional Standards (with 40 complaints), followed by the months of September (with 34 complaints), and March (with 26 complaints).

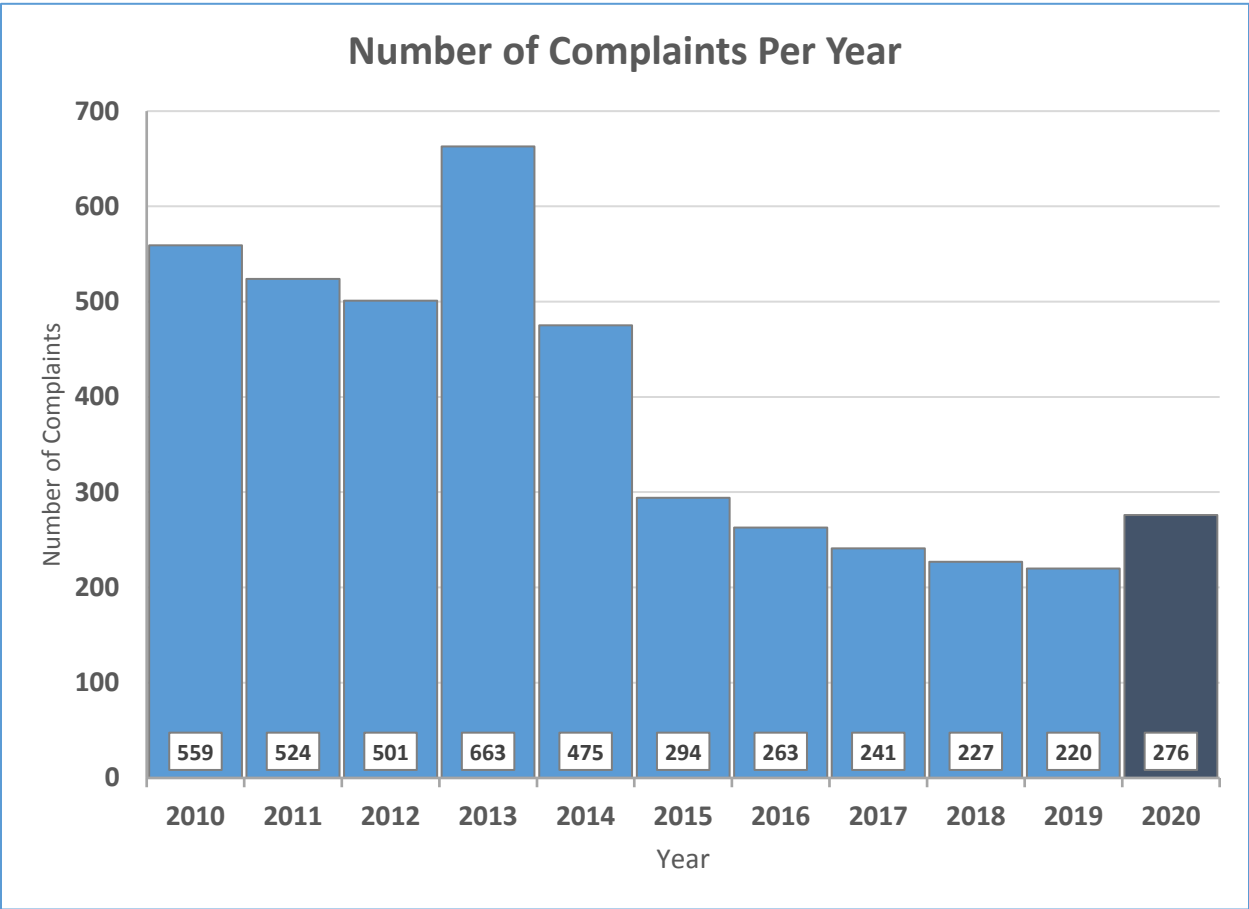


Figure 4: Number of Complaints Per Year Since 2010

## How Complaints were Received

Figure 5, below, depicts how the Office of Professional Standards received the 276 complaints that were filed with the Office in 2020. Specifically, 65 complaints (or 23.6 percent) were filed through the OPS Website and 51 complaints (or 18.5 percent) through Email. Another 42 complaints (or 15.2 percent) were filed through the five Police Districts, and 37 (or 13.4 percent) were filed via facsimile. Twenty-six complaints (or 9.4 percent) were filed by people who walked in the OPS offices in downtown Cleveland (205 West St. Clair Ave) and an equal number of complaints were filed over the phone. Finally, 21 complaints (or 7.6 percent) were filed via the US Postal Service, and 8 complaints (or 2.9 percent) were filed via through the Mayor's or Director of Public Safety's Action Centers.

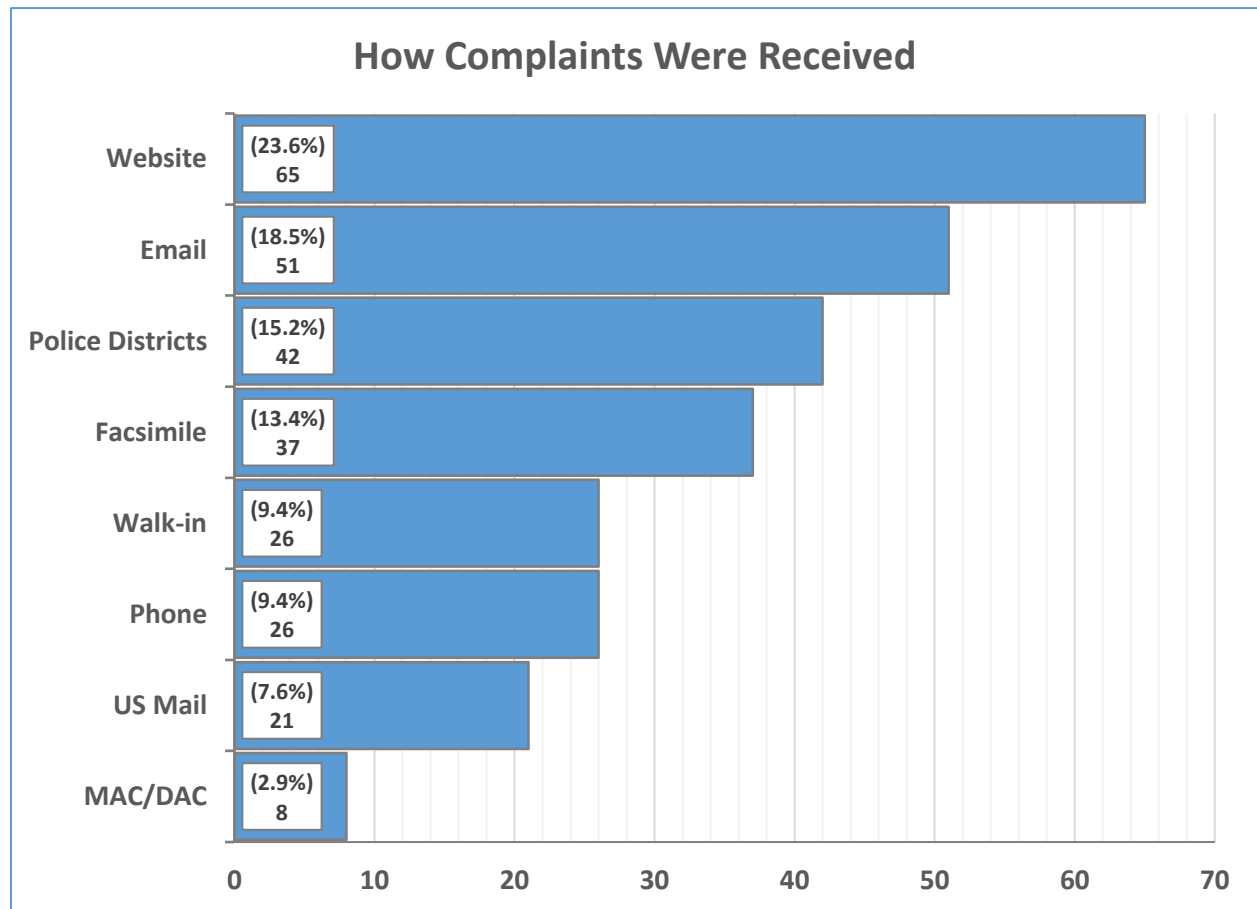


Figure 5: How Complaints Were Received in 2020



## Categories and Status of 2020 Complaints

Each complaint received by the Office of Professional Standards may include multiple allegations, and each allegation is investigated. Figure 6, shows the breakdown of the primary allegation<sup>5</sup> that was made in the 276 complaints received during the 2020 calendar year.

“Unprofessional Behavior/Conduct” is the primary allegation in the highest number of cases (99 cases or 35.9 percent), followed by “Lack of Service/No Service” (77 cases or 27.9 percent), “Improper Procedure” (55 cases or 19.9 percent), “Harassment” (17 cases or 6.2 percent), and “Excessive Force” (13 cases or 4.7 percent).

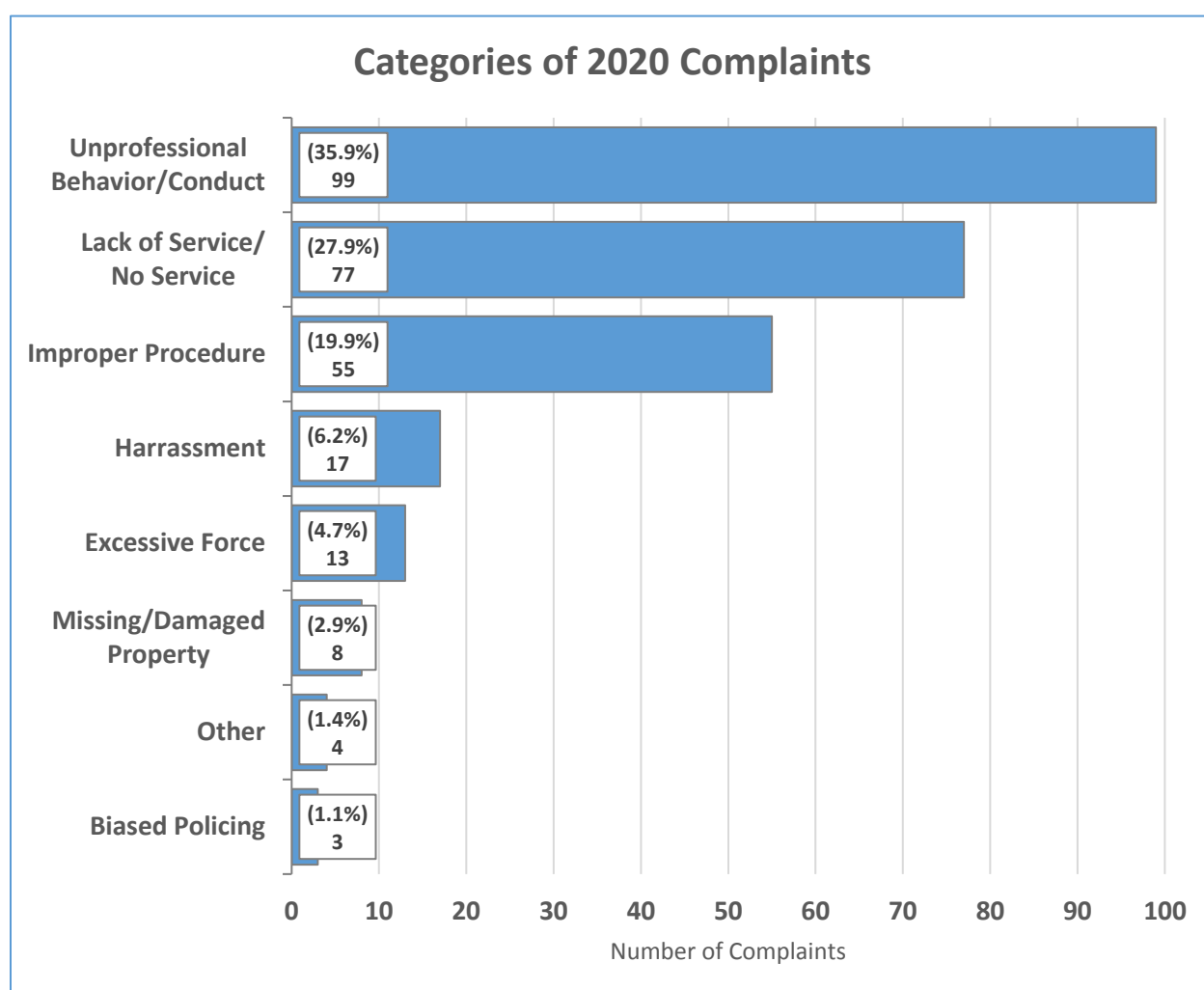


Figure 6: Categories of 2020 Complaints

<sup>5</sup> The primary allegation is identified from the narrative the complainants provide in the complaint form or during the interview with the Investigator.

Figure 7, below, shows the status of the 276 complaints originating in 2020. Of the 276 complaints, 121 (or 43.9 percent) have been closed and 155 (56.1 percent) remain active. Of those cases that were closed, 41 (or 14.9 percent) received full investigation and were heard by the CPRB and 8 (or 2.9 percent) received full investigation and they are scheduled for CPRB hearing. The number of cases that were Administratively Dismissed was 43 (or 15.6 percent) and those Administratively Closed was 29 (or 10.5 percent)<sup>6</sup>. Of those cases remaining active, in 7 cases (or 2.5 percent) criminal conduct was alleged and thus a copy of the file was forwarded to the Internal Affairs Unit or the Office of Integrity Control, Compliance, and Employee Accountability.

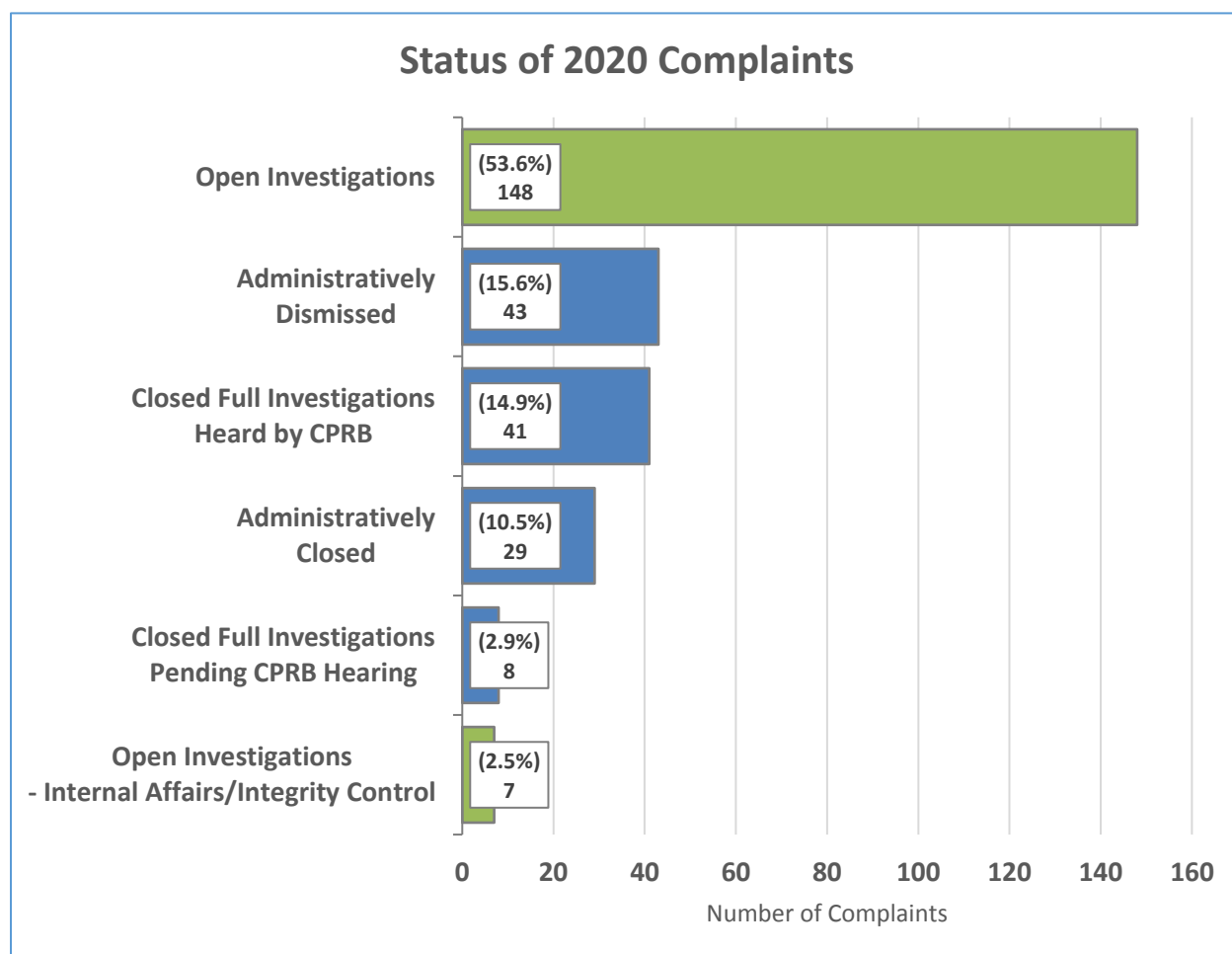


Figure 7: Status of 2020 Complaints

<sup>6</sup> For a discussion of the difference between “Administratively Dismissed” and “Administratively Closed” cases, see the next section of this report.

## OPS Administrative Dismissals and Closures

Figure 8, below, presents a breakdown of the complaints that were Administratively Dismissed or Closed in 2020.

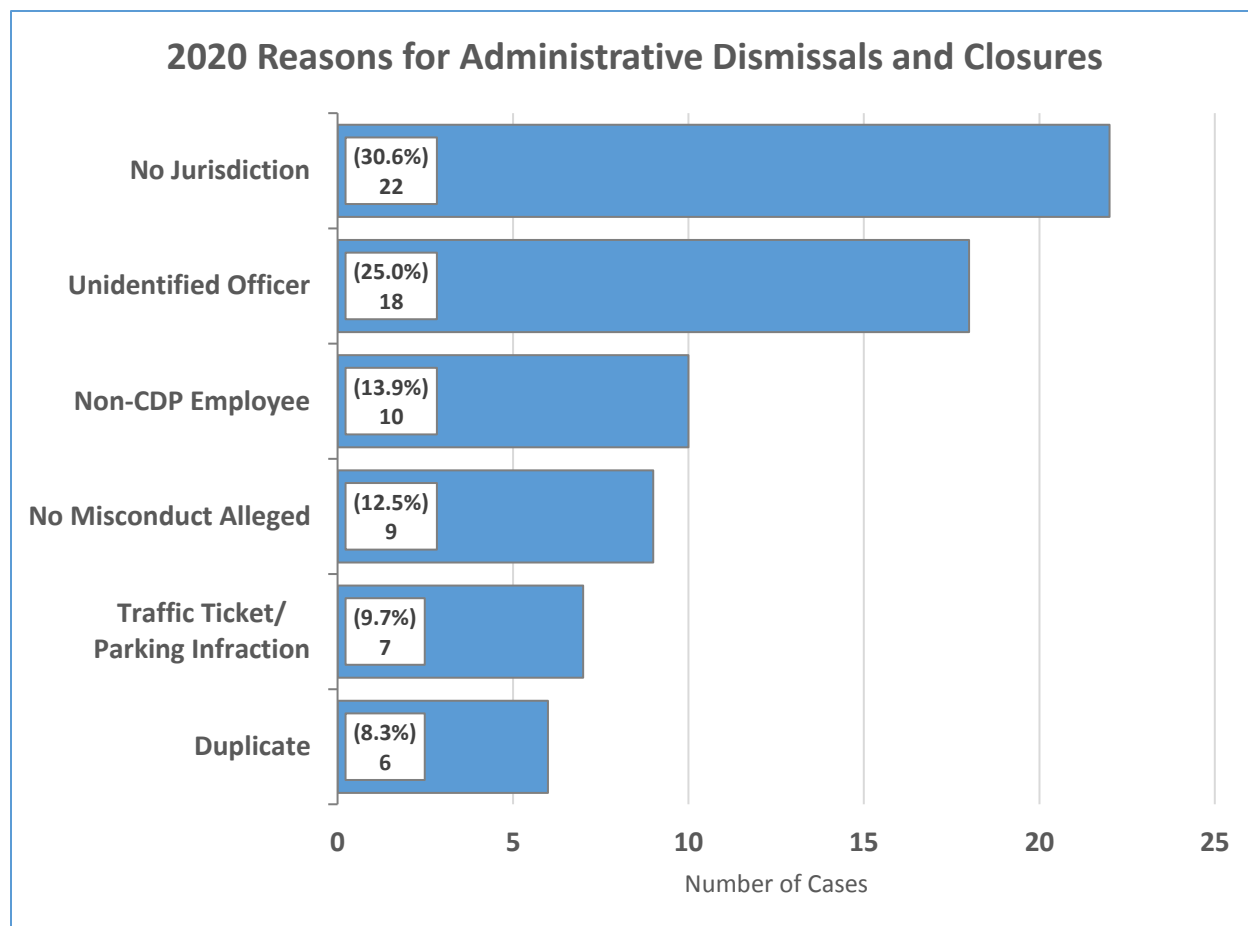


Figure 8: Reasons for Administrative Dismissals and Closures in 2020

As explained in Section 701 of the OPS Policy Manual, complaints may be **Administratively Dismissed** when one of the following criteria applies:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;
3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;

4. The complaint involves off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint concerns the receipt of a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

In addition to the Administrative Dismissal process, cases may also be Administratively Closed. In **Administrative Closure** cases may be closed in order to merge or consolidate multiple related cases, when OPS has received duplicate complaints or when a case is opened in error. Cases are merged and consolidated when multiple complaints are received raising the same facts or arising from the same occurrence such that a collective investigation of both complaints would be most effective under the circumstances.

## OPS Referrals

If at any time during an OPS investigation, a complainant alleges criminal conduct, a copy of the file is forwarded to CDP's Internal Affairs Unit so that the Unit can conduct a thorough investigation. Regardless of the Internal Affairs investigatory results, the case is returned to OPS to conclude its separate investigation pertaining to the alleged non-criminal conduct or administrative violations. Furthermore, complaints that are outside of the OPS jurisdiction can be referred by OPS to agencies other than CDP for additional follow up. In 2020, six (6) complaints were referred to the Internal Affairs Unit and one (1) complaint to the Office of Integrity Control, Compliance, and Employee Accountability.

# Timeliness of Investigations

Complaints that are not referred to Internal Affairs or are Administratively Dismissed/Closed are fully investigated by the Office of Professional Standards (OPS). Investigators gather evidence by taking statements and/or conducting recorded interviews of complainants, CDP employees, and witnesses who may have factual information pertaining to the complaint. Statements may also be taken from persons who have specialized knowledge regarding the complaint, or the circumstances related to the complaint.

Additionally, investigators are expected to gather evidence such as reports, activity sheets, 911 calls, dispatch reports, crime scene materials, as well as video or audio recordings that may be related to the complaint. After the Investigator gathers all relevant evidence, the evidence is evaluated, and an Investigative Summary Report is drafted. The Investigative Summary Report contains the agency's recommended findings and conclusions about the investigation.

OPS continuously explores opportunities to streamline the investigation process. Figure 9, on next page, presents details about the number of days it took for the 121 completed investigations to be closed in 2020. We can see that it took on average 75 days to complete an investigation (*SD* = 72 days, *Mdn* = 49 days, min = 1 day, max = 282 days).

The timeliness of investigations is a continuing priority for the Office of Professional Standards. Timeliness depends upon several aspects, including but not limited to: the number and complexity of the complaints filed; the existence and size of case backlogs; staffing; DA holds and other procedural gaps in investigation, and; the timetable in which documents and other evidentiary requests are met by external sources. After accounting for non-investigative delays, OPS strives every year to complete 50 percent of its investigations within 60 days.

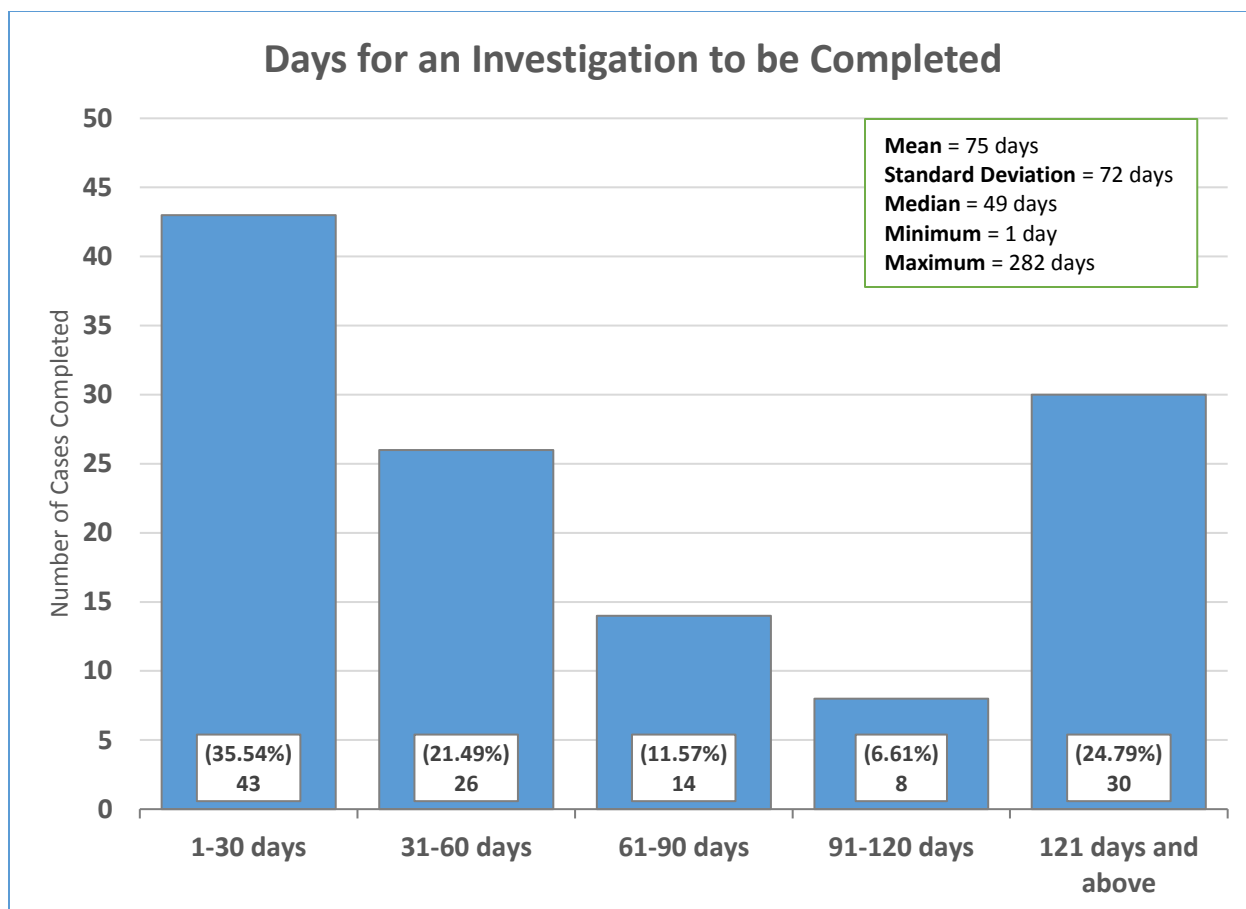


Figure 9: Days for an Investigation to be completed in 2020



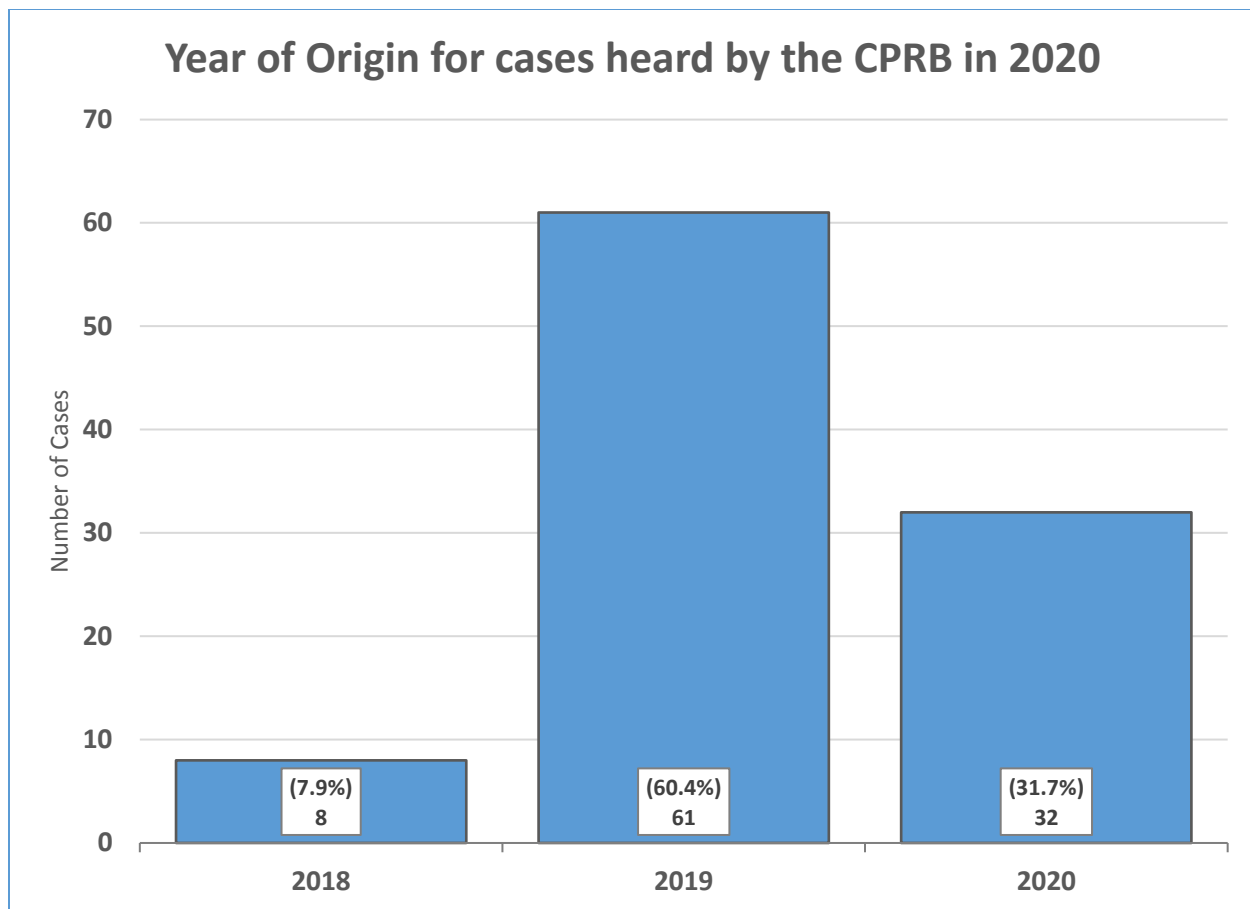
## Cases Heard by the CPRB

Once the OPS Investigative Summary Report has been completed, the OPS Administrator submits the file to CPRB for review. The CPRB's monthly board meetings are open to the public to discuss complaints and completed investigations of alleged misconduct of CDP personnel. The complainants are notified of the date and time of the meeting in case they want to be present.

On meeting day, a quorum of the CPRB members (at least two-thirds) must be present to reach a disposition and provide recommendation on discipline for each allegation identified. The OPS Investigator who conducted the investigation presents the case to the Board by outlining the nature of the complaint, the nature of the allegations involved, and the material evidence and facts established by the investigation. That Investigator also shares the OPS-recommended disposition with the Board at that time. Board members will often ask questions of the Investigator and give complainants the opportunity to be heard at that time.

In reaching a decision, the CPRB is required to review its cases under the "preponderance of the evidence" standard of proof. "Preponderance of the evidence" means the greater weight of evidence; for example, based on all of the evidence it is more likely than not that a CDP employee has engaged in conduct inconsistent with CDP policy, procedure or training. For purposes of applying the "preponderance of the evidence" standard, officer performance must be evaluated against the policy, procedure, or training in effect at the time of the incident.

As can be seen in Figure 10, on next page, in 2020, the CPRB adjudicated a total of 101 complaints. The complaints investigated by OPS were filed in 2018 (8 complaints or 7.9 percent), 2019 (61 complaints or 60.4 percent), and 2020 (32 complaints or 31.7 percent).



*Figure 10: Year of Origin for cases heard by the CPRB in 2020*

## CPRB Dispositions

Each complaint can involve one allegation or (what is more common) multiple allegations. Table 2, on next page, presents information about all 286 allegations introduced in the 101 complaints that were heard by the CPRB in 2020. As can be seen, in 80 of the 286 allegations (or 28.0 percent) the CPRB suggested sustained findings to the Chief of Police, whereas in 95 of the allegations (or 33.2 percent) the Board exonerated the officer. Further, in 69 allegations (or 24.1 percent) the Board decided that the allegations were unfounded and in 42 (or 14.7 percent) decided that the evidence presented were insufficient to determine whether misconduct had occurred.

As far as type of allegation is concerned, the Board sustained 36.8 percent of “Unprofessional Behavior/Conduct” allegations, 17.9 percent of the “Lack of Service/No Service” allegations, 29.1 percent of the “Improper Procedure” allegations, 25.0 percent of the “Excessive Force” allegations, and 40.0 percent of the “Missing/Damaged Property” allegations. The Board did not sustain any of the “Harassment” or “Biased Policing” allegations.

Type of Allegation	2020 CPRB Dispositions				Total Allegations
	Sustained	Exonerated	Unfounded	Insufficient Evidence	
Unprofessional Behavior / Conduct	39 (36.8%)	12 (11.3%)	31 (29.2%)	24 (22.6%)	<b>104</b>
Lack of Service / No Service	12 (17.9%)	28 (41.8%)	19 (28.4%)	8 (11.9%)	<b>67</b>
Improper Procedure	23 (29.1%)	45 (57.0%)	8 (10.1%)	3 (3.8%)	<b>79</b>
Excessive Force	2 (25.0%)	4 (50.0%)	0 (0.0%)	2 (25.0%)	<b>8</b>
Harassment	0 (0.0%)	2 (66.7%)	0 (0.0%)	1 (33.3%)	<b>3</b>
Biased Policing	0 (0.0%)	0 (0.0%)	9 (69.2%)	4 (30.8%)	<b>13</b>
Missing / Damaged Property	4 (40.0%)	4 (40.0%)	2 (20.0%)	0 (0.0%)	<b>10</b>
<b>Total</b>	<b>80 (28.0%)</b>	<b>95 (33.2%)</b>	<b>69 (24.1%)</b>	<b>42 (14.7%)</b>	<b>286</b>

Table 2: 2020 CPRB Dispositions

# Wearable Camera Systems (WCS) and Case Dispositions

The Cleveland Division of Police (CDP) started a pilot Wearable Camera System (WCS) in June 2014<sup>7</sup>. Since December 2016, WCSs are mandatory for all members who have been issued a WCS<sup>8</sup>. Specifically, CDP policy requires officers to activate WCSs prior to responding to all calls for service, during all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact<sup>9</sup>.

## Officer Compliance with WCS Policies

In 2020, 81.5 percent of allegations that went before the CPRB had relevant WCS video. There are several reasons why an OPS case might not have WCS footage. It might be, for instance, because the officer(s) involved had not been issued a WCS or because the officer(s) did not activate the WCS during the incident. Some other cases do not involve WCS footage because the incident took place over the phone/online or because the officer was working off duty, etc.

OPS has full access to all CDP WCS videos that are relevant to OPS investigations. If, during the investigation, OPS determines that the officer(s) involved had been issued WCS but did not activate it as required, then OPS has the ability to charge the officer(s) with the additional violation of failure to activate WCS (i.e., for violation of General Police Order (GPO) 3.2.20). In 2020, the number of officers that were charged with the additional violation of failure to activate WCS was 12 (across 10 cases).

## Impact of WCSs

The availability and access of WCS footage that illustrates the actions and conduct of officers and complainants has been a powerful accountability tool. The chart on next page presents how WCS footage affected the disposition of allegations investigated by OPS and heard by CPRB in 2020. It is evident that WCS video footage helped the CPRB reach a conclusive finding in 92.7 percent of allegations, compared to only 52.8 percent without WCS video footage. Specifically, the existence of WCS footage increased by more than 58 percent the chances that an allegation against a CDP employee will be sustained, and by more than 43 percent the chances that a CDP employee will be exonerated. Further, it increased by more than 192 percent the chances that an allegation against a CDP employee will be unfounded, and reduced by more than 84 percent

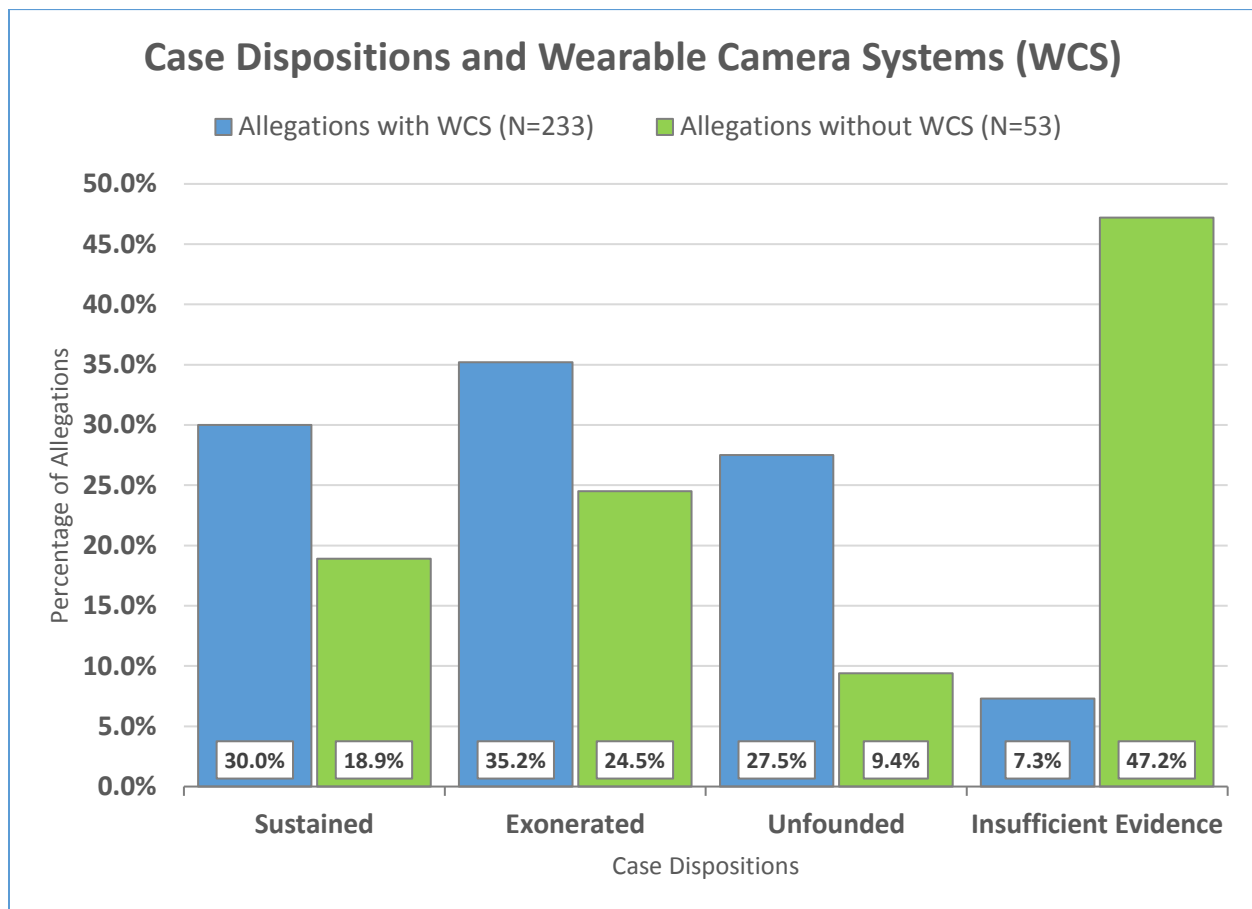
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<sup>7</sup> See CDP Divisional Notice 14-226 and General Police Order (GPO) 3.2.20.

<sup>8</sup> See CDP Divisional Notice 16-372. It should be noted that CDP officers in the Swat team and Gang unit have not been issued WCSs.

<sup>9</sup> General Police Order (GPO) 3.2.20, page 2.

the chances that the CPRB will not have sufficient evidence to make a determination (see Figure 11, below).



*Figure 11: Dispositions and Wearable Camera System (WCS) in 2020*

## Chief and Director's Hearings

If any aspect of the investigation has been sustained by the CPRB hearing, OPS forwards a Findings Letter to the Chief of Police ("Chief") and the Director of Public Safety ("Director") within 14 days. The Findings Letter summarizes the CPRB's findings, explaining their rationale to the Chief as well as the matrix category as determined by the Disciplinary matrix that was in place at the time of the incident. Along with the Findings Letter, the complete OPS investigative report and all supporting documents are provided to the Chief of Police.

The Chief or Director subsequently holds a hearing in which the CDP member is given the opportunity to offer testimony and provide contrary or mitigating evidence. Within ten days of the hearing, the Chief or Director is required to notify the CPRB of its outcome and any discipline to be imposed. OPS is working with the Chief's Office to ensure that the Chief provides an explanation for any departures from CPRB recommendations and a protocol to ensure that the CPRB has the opportunity to appeal any decision with which it disagrees to the Public Safety Director.

Of the 101 complaints adjudicated by the CPRB in 2020, 23 (or 22.7 percent) involved recommendations for sustained findings. As of the end of 2020, 5 cases had a Chief's or Director's Hearing.











In 2020, it took on average 154 days ( $SD = 85$  days,  $Mdn = 125$  days,  $min = 28$  days,  $max = 448$  days) from the day the CPRB presented a Findings Letter to the Chief of Police, to the day the Chief held a disciplinary hearing.














## Discipline Concurrence












The Office of Professional Standards tracks whether or not the discipline imposed by the Chief and/or the Director was in concurrence with that recommended by the CPRB. Discipline Concurrence means that the Chief or Director agreed with the Group Level of discipline recommended by the CPRB. When the Chief's or Director's discipline is of a lesser Group Level than that recommended by the CPRB, the discipline is not in concurrence. The CPRB does not take a position concerning the number of suspension days or any penalty differences falling within the same Group Level.












From the table that follows, we see that 63.3 percent of the time, the Chief's discipline was in concurrence with the discipline recommended by the CPRB. The Director's discipline was in concurrence with the discipline recommended by the CPRB 50.0 percent of the time.













Case	Allegations Sustained by CPRB	CPRB Discipline Recommendation	Result of Chief's Hearing	Chief's Discipline Concurrence	Result of Director's Hearing	Director's Discipline Concurrence
15-029	Improper Detainment	Group II	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Issued a 2-day suspension	 Discipline Difference
15-036	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
15-075	Lack of Service	Group I	Dismissed the Allegations	 No Discipline	-	-
15-118	Improper Citation; Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
15-140	Unprofessional Conduct	Group II	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Issued Verbal Counseling	 Discipline Difference
15-177	Weapons Violation	Group II	Dismissed the Allegations	 No Discipline	-	-
15-180	Excessive Force  Failure to Report Use of Less Lethal Force	Group III	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Upheld the Chief's Dismissal	 Discipline Difference  (After the Director's decision, the CPRB voted for a resolution to be written stating the Board's factual findings stand unchallenged and its legal conclusions to remain undisturbed)

<b>15-263</b>	Lack of Service	Group I	Issued a 1-day Suspension	 Discipline Concurrency	-	-
<b>16-008</b>	Lack of Service; Unprofessional Conduct	Group II	Issued a 10-day Suspension	 Discipline Concurrency	-	-
<b>16-127</b>	Lack of Service	Group II	Issued a 8-day Suspension	 Discipline Concurrency		
<b>16-129</b>	Lack of Service	Group I	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Issued a 3-day Suspension	 Discipline Concurrency
<b>16-159</b>	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrency	-	-
<b>16-161</b>	Missing Property	Group I	Issued a Written Reprimand	 Discipline Concurrency	-	-
<b>16-174</b>	Missing Property	Group I	Issued a Written Reprimand	 Discipline Concurrency	-	-
<b>16-193</b>	Unprofessional Conduct	Group II	Issued a 1-day Suspension	 Discipline Difference		
<b>16-204</b>	Lack of Service	Group II	Issued a 6-day Suspension	 Discipline Concurrency	-	-
<b>16-206</b>	Unprofessional Conduct; Social Media Policy	Group II	Issued a 6-day Suspension	 Discipline Concurrency	-	-
<b>17-040</b>	Lack of Service	Group I	Issued a 2-day Suspension	 Discipline Concurrency		
<b>17-071</b>	Illegal Parking	Group I	Issued a 10-day Suspension	 Discipline Concurrency	-	-

<b>17-089</b>	Unprofessional Conduct	Group II	Issued a 4-day Suspension	 Discipline Concurrency	-	-
<b>17-128</b>	Lack of Service	Group I	Issued a letter of reinstruction	 Discipline Concurrency		
<b>17-194</b>	Unprofessional Conduct	Group I	Issued a letter of reinstruction	 Discipline Concurrency		
<b>18-067</b>	Harassment Unprofessional Conduct Biased Policing	Group III	-	-	Issued a 30-day Suspension	 Discipline Concurrency
<b>18-086</b>	Wearable Camera System Violation	Group I	Issued a 8-day Suspension	 Discipline Concurrency	-	-
<b>18-088</b>	Unprofessional Conduct; Wearable Camera System Violation	Group I	Issued a 2-day Suspension	 Discipline Concurrency	-	-
<b>18-102</b>	Lack of Service	Group I	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Upheld the Chief's Dismissal	 No Discipline
<b>18-108</b>	Unprofessional Conduct WCS Violation  Failure to Cooperate with OPS Investigation	Group II	Issued a 1-day Suspension	 Discipline Difference	(The CPRB Appealed the case to the Director)  Issued a 6-day Suspension	 Discipline Concurrency
<b>18-131</b>	Unprofessional Conduct; Lack of Service	Group II	Issued a 9-day Suspension	 Discipline Concurrency	-	-

<b>18-166</b>	Lack of Service; Unprofessional Conduct	Group I	Issued a 2-day Suspension for the Lack of Service Allegation  Dismissed the Unprofessional Conduct Allegation	 Discipline Difference	(The CPRB Appealed the case to the Director)  Upheld the Chief's Dismissal	 No Discipline
<b>18-177</b>	Lack of Service	Group II	Issued a Written Reprimand	 Discipline Difference	-	-
<b>18-181</b>	Improper Citation; Duty Report Violation	Group I	Dismissed the Improper Citation Allegation  Issued a Written Reprimand	 Discipline Difference	(The CPRB Appealed the case to the Director)  Issued a 2-day suspension	 Discipline Concurrence
<b>18-205</b>	Unprofessional Conduct  Improper Procedure	Group II	Issued a 10-day Suspension	 Discipline Concurrence		
<b>18-208</b>	Excessive Force; Failure to Complete a Force Report Violation	Group III	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Issued a 15-day suspension	 Discipline Concurrence
<b>18-227</b>	Lack of Service; Wearable Camera System Violation	Group I	Issued a 1-day Suspension	 Discipline Concurrence	-	-
<b>19-002</b>	WCS Violation	Group I	Issued a 1-day Suspension	 Discipline Concurrence		
<b>19-006</b>	Lack of Service;  Unprofessional Conduct	Group II	Issued a Written Reprimand	 Discipline Difference	-	-

<b>19-036</b>	Lack of Service	Group I	Dismissed the Allegations	 No Discipline	(The CPRB Appealed the case to the Director)  Issued a 1-day suspension	 Discipline Concurrence
<b>19-039</b>	Lack of Service; Unprofessional Conduct	Group I	Issued a Letter of Re- instruction	 Discipline Concurrence		
<b>19-047</b>	Improper Search  Improper Citation	Group II	Issued a 6- day Suspension	 Discipline Concurrence		
<b>19-070</b>	Unprofessional Conduct  Failure to De- escalate	Group II	Issued a 10- day Suspension	 Discipline Concurrence		
<b>19-094</b>	Unprofessional Conduct  WCS Violation	Group I	Issued a 1- day Suspension and a Written Reprimand	 Discipline Concurrence	-	-
<b>19-100</b>	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
<b>19-106</b>	Unprofessional Conduct	Group II	Issued a 4- day Suspension	 Discipline Concurrence	-	-
<b>19-107</b>	Unprofessional Conduct	Group II	Issued a 6- day Suspension; a Written Reprimand; and Dismissed the Allegations against a Sergeant	 Discipline Difference	(The CPRB Appealed the case to the Director)  Upheld the Chief's Dismissal	 Discipline Difference  (After the Director's decision, the CPRB voted for a resolution to be written stating the Board's factual findings stand unchallenged and its legal conclusions to remain undisturbed)







<b>19-124</b>	Lack of Service	Group I	Issued a letter of re-instruction	 Discipline Concurrence	-	-
<b>19-151</b>	Lack of Service	Group II	Issued a Written Reprimand	 Discipline Difference		
<b>19-178</b>	Lack of Service	Group II	Issued a 6-day Suspension	 Discipline Concurrence	-	-
<b>19-193</b>	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence		
<b>19-200</b>	Lack of Service	Group I	Issued a letter of re-instruction	 Discipline Concurrence		
<b>20-017</b>	Unprofessional Conduct	Group I	Dismissed the Allegations	 No Discipline		
<b>Total</b>				<b>63.3% Concurrence</b>		<b>50.0% Concurrence</b>

Table 3: 2020 Discipline Concurrence

## CPRB Resolutions

In two cases, where the Chief and the Director did not concur with the Civilian Police Board recommendation, the CPRB voted for a resolution to be written stating that the Board's factual findings stand unchallenged and that its legal conclusions to remain undisturbed. Below, we present the two resolutions:



## CIVILIAN POLICE REVIEW BOARD RESOLUTION

The Civilian Police Review Board, on October 8, 2019, conducted a hearing on OPS #2015-0180 and sustained an allegation of Excessive Force and an additional Failure to Generate a Use of Less Lethal Force Report Violation against Sergeant Dennis Ivey #9212 in relation to Sergeant Ivey utilizing more force than reasonably necessary to forcibly drag the Complainant's 10-year-old son to the store and failing to notify a supervisor of the force used.

On December 3, 2019, the Cleveland Division of Police Chief Calvin Williams dismissed the allegation of Excessive Force and the additional Failure to Generate a Use of Less Lethal Force Report Violation, prompting the Civilian Police Review Board to appeal the decision to the Director of Public Safety, Karrie Howard.

On September 9, 2020, the Department of Public Safety Director Karrie Howard upheld Chief Calvin Williams' dismissal.

In reviewing Chief Williams' dismissal of OPS case #2015-0180, and Director Howard's denial of this Board's appeal, we note that the Chief and the Director based their decisions primarily upon credibility determinations of civilian witnesses in this matter. Upon review, the CPRB reiterates its finding that the civilian witnesses of this incident gave testimony sufficiently credible and reliable to sustain the allegations against Sergeant Ivey.

Given these unchanged circumstances, on this date, November 10, 2020, the Civilian Police Review Board hereby affirms its original conclusion in OPS case #2015-0180: Sergeant Ivey's utilization of more force than reasonably necessary on the Complainant's 10-year-old child and subsequent failure to notify a supervisor that force was used constitute Excessive Force and a Failure to Generate a Use of Less Lethal Force Violation, in violation of General Police Order 2.1.01 and 8.2.07.

Michael Graham, Chair

*Michael Graham*

Ashley Mostella, Vice Chair

*Ashley Mostella*

Mary Clark

*Mary Clark*

Michael Hess

*Michael Hess*

Ernest Turner

*Ernest Turner*

Ken Mountcastle

*Ken Mountcastle*

David Gatian

*David Gatian*

Roslyn Quarto

*Roslyn Quarto*



## CIVILIAN POLICE REVIEW BOARD RESOLUTION

The Civilian Police Review Board, on November 12, 2019, conducted a hearing on OPS #2019-0107 and sustained an allegation of Unprofessional Conduct against Sergeant Orlando Rivera #9260 in relation to Sergeant Rivera's unsolicited and disparaging comments against the Complainant to the subject of the Complainant's protection order, which was captured on Wearable Camera System (WCS).

On March 2, 2020, the Cleveland Division of Police Chief Calvin Williams dismissed the allegation of Unprofessional Conduct, prompting the Civilian Police Review Board to appeal the decision to the Director of Public Safety, Karrie Howard.

On August 20, 2020, the Department of Public Safety Director Karrie Howard upheld Chief Calvin Williams' dismissal.

In reviewing Chief Williams' dismissal of OPS case #2019-0107, and Director Howard's denial of this Board's appeal, we note that this Board's factual findings stand unchallenged, and its legal conclusions remain undisturbed.

Given these unchanged circumstances, on this date, October 13, 2020, the Civilian Police Review Board hereby affirms its original conclusion in OPS case #2019-0107: Sergeant Rivera's unsolicited and disparaging comments against the Complainant to the subject of the Complainant's protection, which was captured on Wearable Camera System (WCS), constitute Unprofessional Conduct, in violation of Cleveland Division of Police Manual of Rules and Regulations Section(s) 5.01 and 5.09.

Michael Graham, Chair

*Michael Graham*

Ashley Mostella, Vice Chair

*Ashley Mostella*

Mary Clark

*Mary Clark*

Michael Hess

*Michael Hess*

Ernest Turner

*Ernest Turner*

Ken Mountcastle

*Ken Mountcastle*

David Gatian

*David Gatian*

Roslyn Quarto

*Roslyn Quarto*



## Complaints by Police District and Bureau

A breakdown of the 276 complaints by CDP District and Bureau is depicted in Figure 12. Police Districts received the majority of the complaints filed with OPS in 2020 (211 or 76.5 percent). Specifically, the 3rd Police District, which includes all of Downtown Cleveland, had the highest number of complaints in 2020 (52 or 18.8 percent), followed by the 4th Police District (49 or 17.8 percent), the 5th Police District (46 or 16.7 percent each), the 2nd Police District (37 or 13.4 percent), and the 1st Police District (27 or 9.8 percent).

Police Bureaus received a total of 43 complaints (or 15.6 percent) in 2020. Specifically, the Bureau of Traffic had the highest number of complaints among all Bureaus (12 or 4.3 percent), followed by the Bureau of Special Investigations (11 or 4.0 percent), the Bureau of Technology and Property (6 or 2.2 percent), the Bureau of Support Services (5 or 1.8 percent), Field Operations (4 or 1.4 percent), the Bureau of Homeland Services (2 or 0.7 percent), the Bureau of Compliance (1 or 0.4 percent), Chiefs Office (1 or 0.4 percent), and Director of Public Safety (1 or 0.4 percent).

## Where Complaint Incidents Occurred

The map, in Figure 13, depicts the distribution of citizen complaint incidents within the limits of the city of Cleveland. Of note is the fact that a number of complaints were received from addresses outside of the city limits (involving, for instance, off-duty officers), and that many complaints received by OPS were not tied to a specific physical location (because, for instance, the alleged harassment took place over the phone) and thus cannot be depicted on the map.

## Number of Complaints by Police District and Bureau

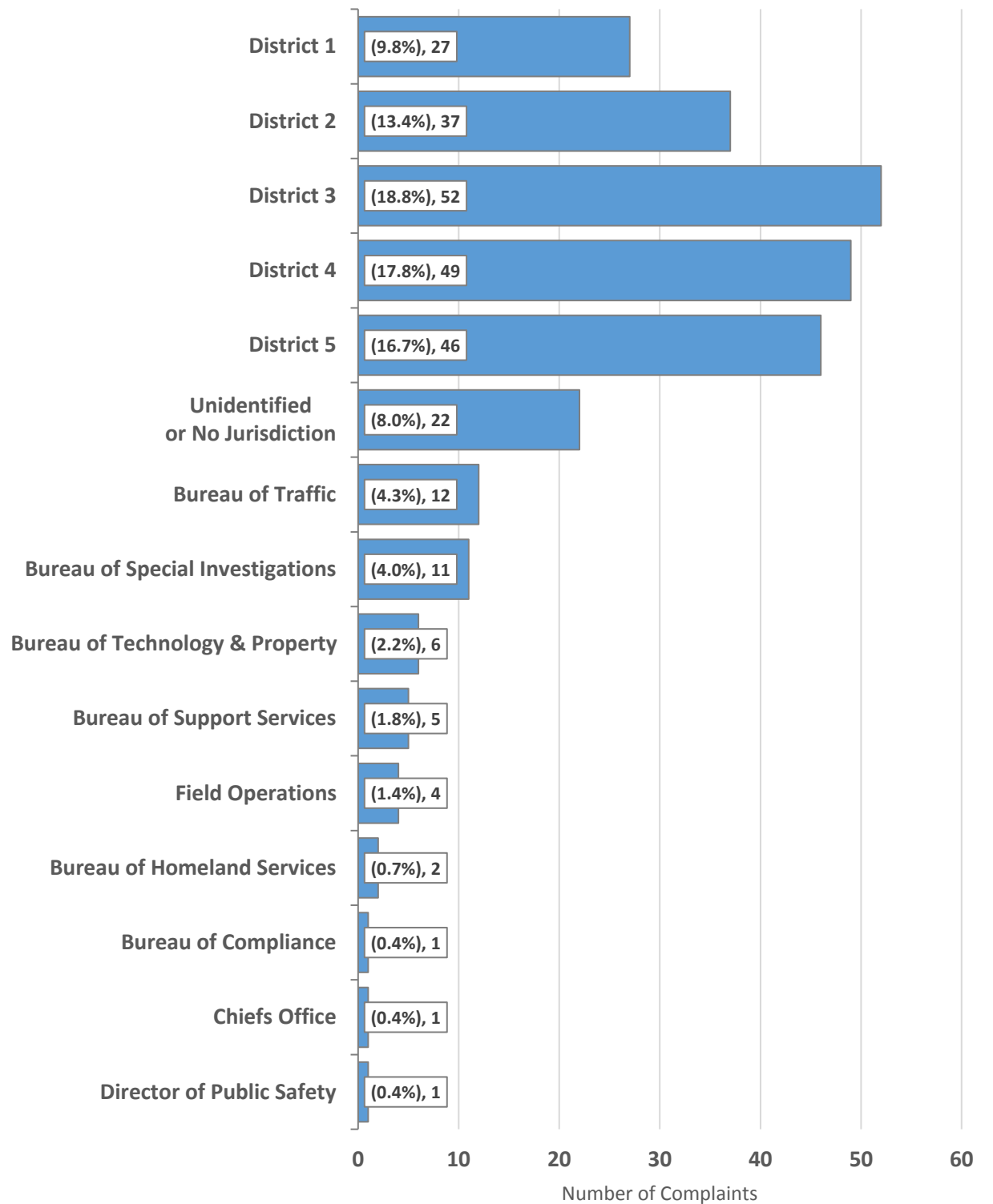
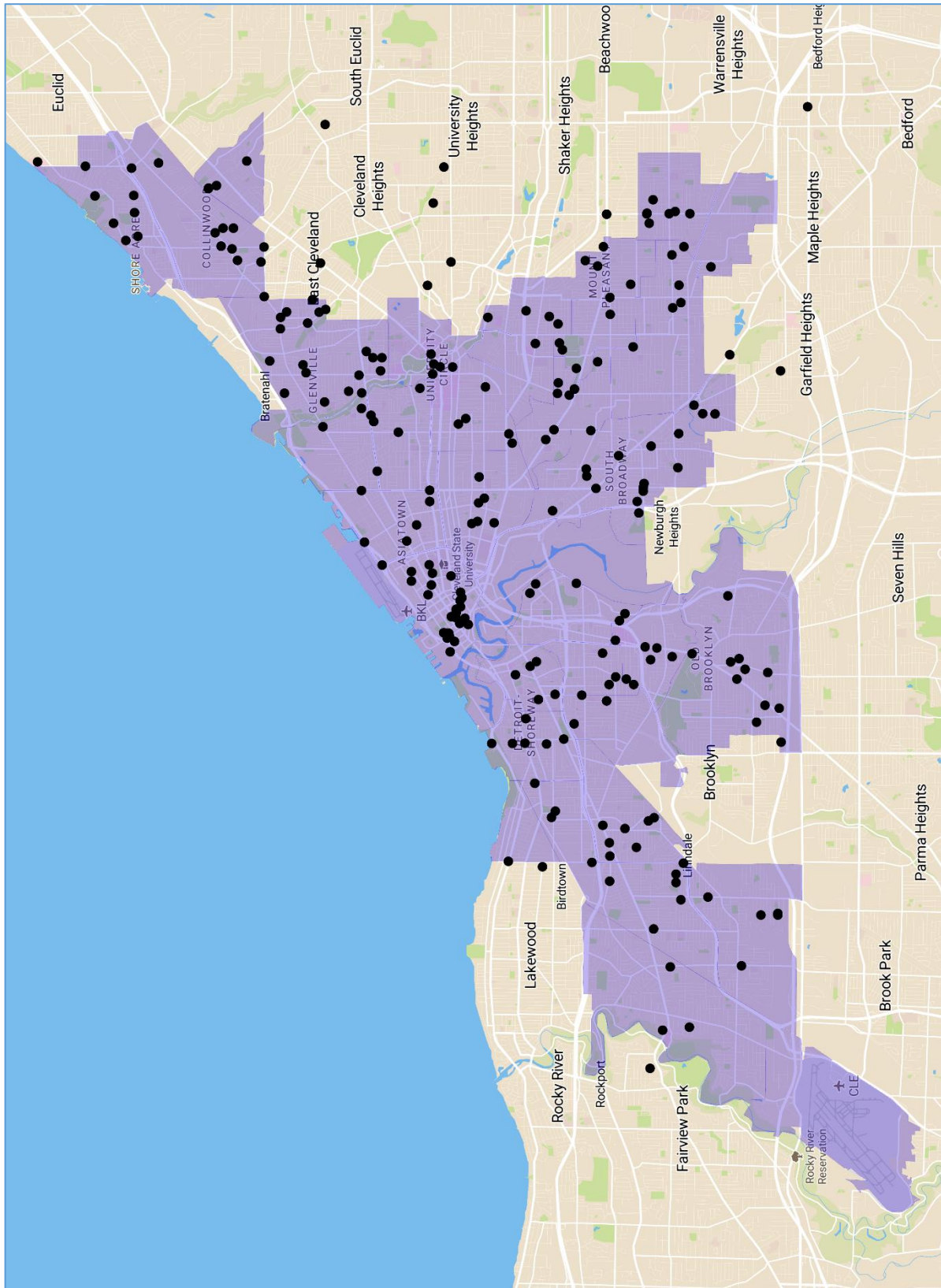


Figure 12: Number of Complaints by Police District and Bureau in 2020



**Figure 13:** Where 2020 Complaint Incidents Occurred

## Primary allegation and Officer Rank by Police District

In 2020, “Lack of Service” (37.9 percent) and “Unprofessional Behavior/Conduct” (27.6 percent) were the two most frequent primary allegations against officers of the **First Police District**. The vast majority of the officers receiving complaints in the first district had the rank of Patrol officer (76.0 percent), followed by Detective (16.0 percent).

The two most frequent primary allegations against officers of the **Second Police District** were “Unprofessional Behavior/Conduct” (43.9 percent), “Lack of Service” (24.4 percent), and “Improper Procedure” (22.0 percent). Patrol officers received the vast majority of complaints (92.5 percent) in the second district, followed by Sergeants (5.0 percent).

In the **Third Police District**, the allegations of “Unprofessional Behavior/Conduct” (35.3 percent), “Lack of Service” (23.5 percent), and “Improper Procedure” (21.6 percent) were the most frequent. Patrol officers received most complaints (70.7 percent) in the third district, followed by Sergeants (26.8 percent).

The most frequent allegations in the **Fourth Police District** were “Lack of Service” (36.1 percent), “Improper Procedure” (26.2 percent), and “Unprofessional Behavior/Conduct” (24.6 percent). Patrol officers received the vast majority of complaints (87.2 percent), followed by Detectives (9.0 percent).

The **Fifth Police District** had the allegations of “Unprofessional Behavior/Conduct” (38.3 percent), “Lack of Service” (31.9 percent), and “Improper Procedure” (19.1 percent) as the most frequent. In terms of officer rank, Patrol officers received the majority of complaints (72.0 percent), followed by Sergeants (14.0 percent), and Detectives (14.0 percent).

Finally, the various **Bureaus** had “Unprofessional Behavior” (32.7 percent), “Improper Procedure” (28.8 percent), and “Lack of Service” (21.2 percent) as the most frequent primary allegations. In terms of rank, Patrol officers received the majority of complaints (54.1 percent), followed by Detectives (21.3 percent), and Sergeants (13.1 percent).

# Characteristics of Complainants

In 2020, a total of 272 individuals filed complaints with the Office of Professional Standards. In terms of race, 48.9 percent of the complainants were black, and 16.9 percent were white<sup>10</sup> (Figure 14). In terms of gender, most complaints were filed by women (53.8 percent) (Figure 15). Finally, in terms of age, the majority of complainants were between the ages of 30 to 49 (52.8 percent). The average age of complainants in 2020 was 43 years of age (Figure 16).

In 2020, eleven people filed more than one complaint with the Office of Professional Standards against Cleveland Division of Police employees. Specifically, one person filed 3 separate complaints, and ten people filed 2 separate complaints.

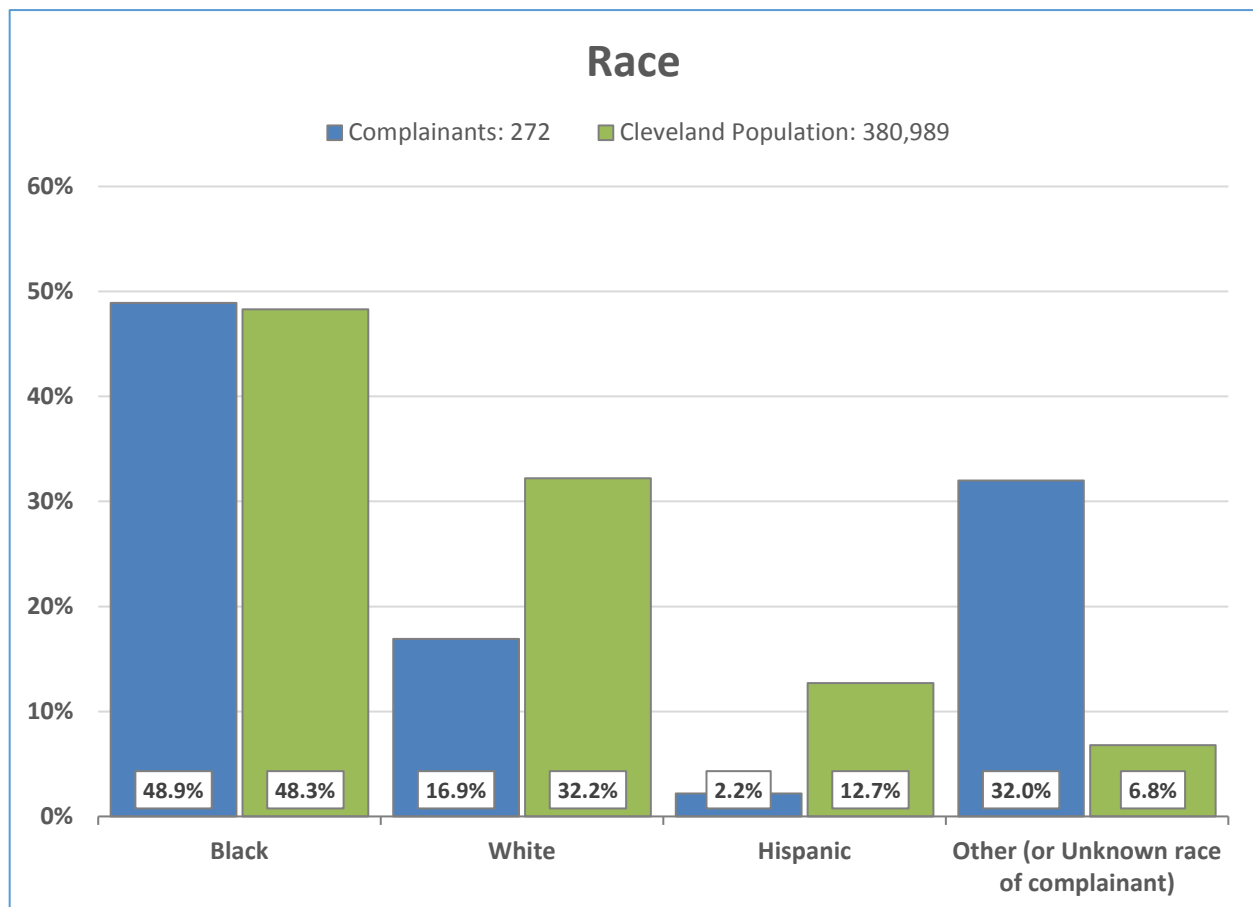


Figure 14: Race of Complainants in 2020

<sup>10</sup> The Cleveland population statistics are based on the 2019 American Community Survey (ACS) 1-year Estimates. For more information see: <https://data.census.gov/cedsci/> (Tables: DP05, S0101, S0601).

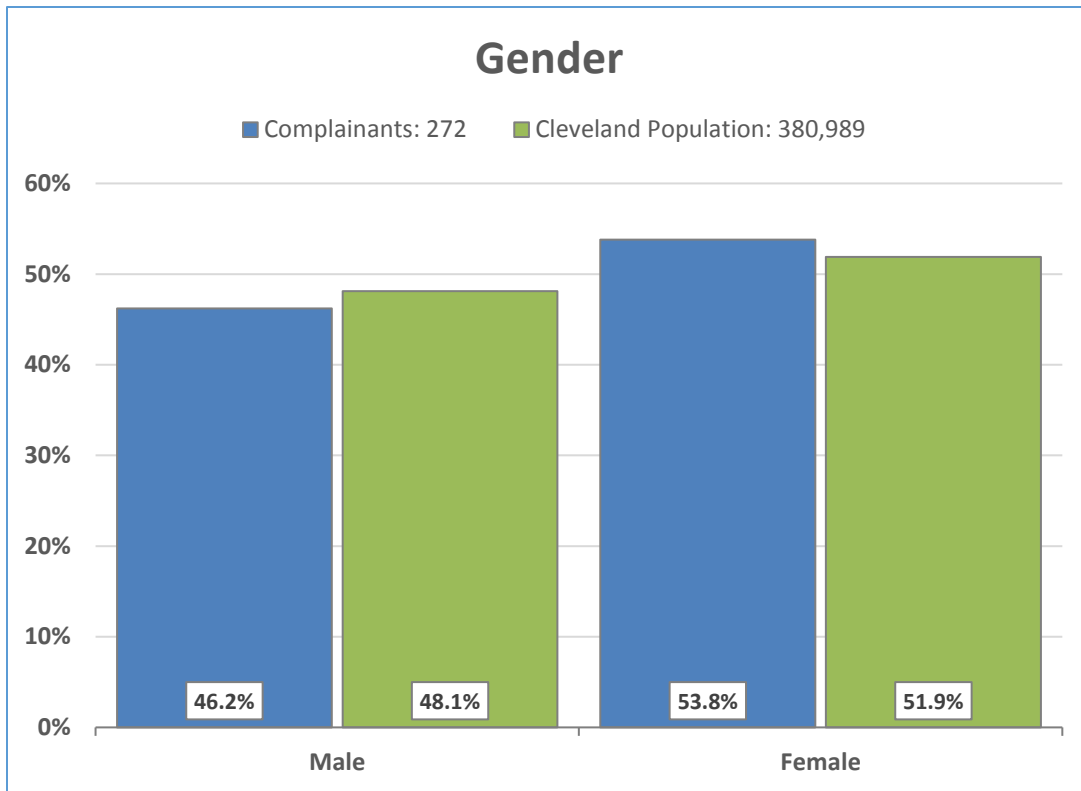


Figure 15: Gender of Complainants in 2020

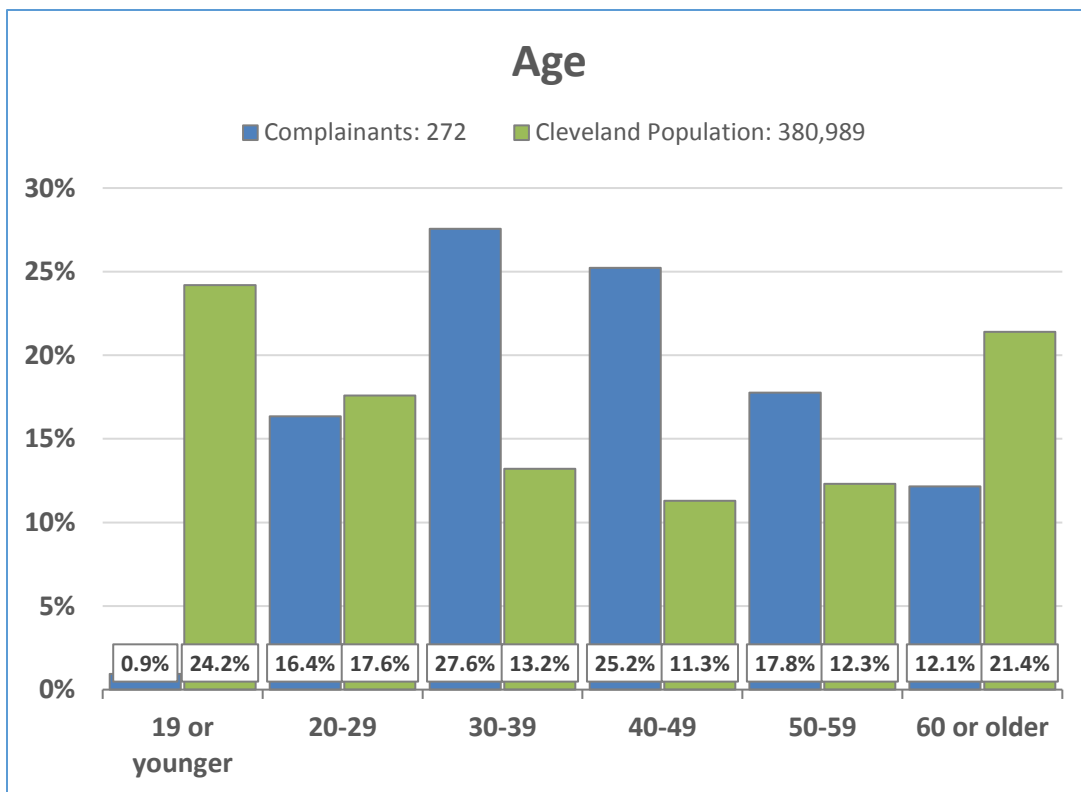


Figure 16: Age of Complainants in 2020

## Characteristics of CDP Employees

A total of 268 CDP employees<sup>11</sup> received complaints in 2020, with 31 employees receiving more than one complaint. Specifically, 25 CDP employees received two complaints, 5 employees received three complaints, and 1 employee received four complaints. In terms of race, White CDP employees received the majority of complaints (66.8 percent), while Blacks and Hispanics followed with 21.3 percent and 8.2 percent respectively (Figure 17). In terms of gender, males received the vast majority of complaints (88.1 percent) compared to females (13.3 percent) (Figure 18). In terms of age, the groups that received most complaints were: 30-39 years of age (32.1 percent), 50-59 (23.9 percent), and 20-29 (20.9 percent) (Figure 19). The average age of a CDP employee receiving a complaint in 2020 was 40 years of age. Finally, in terms of tenure, CDP employees with 1-5 years (39.0 percent) and those with 21-25 years (16.1 percent) on the job received the majority of the complaints in 2020 (Figure 20).

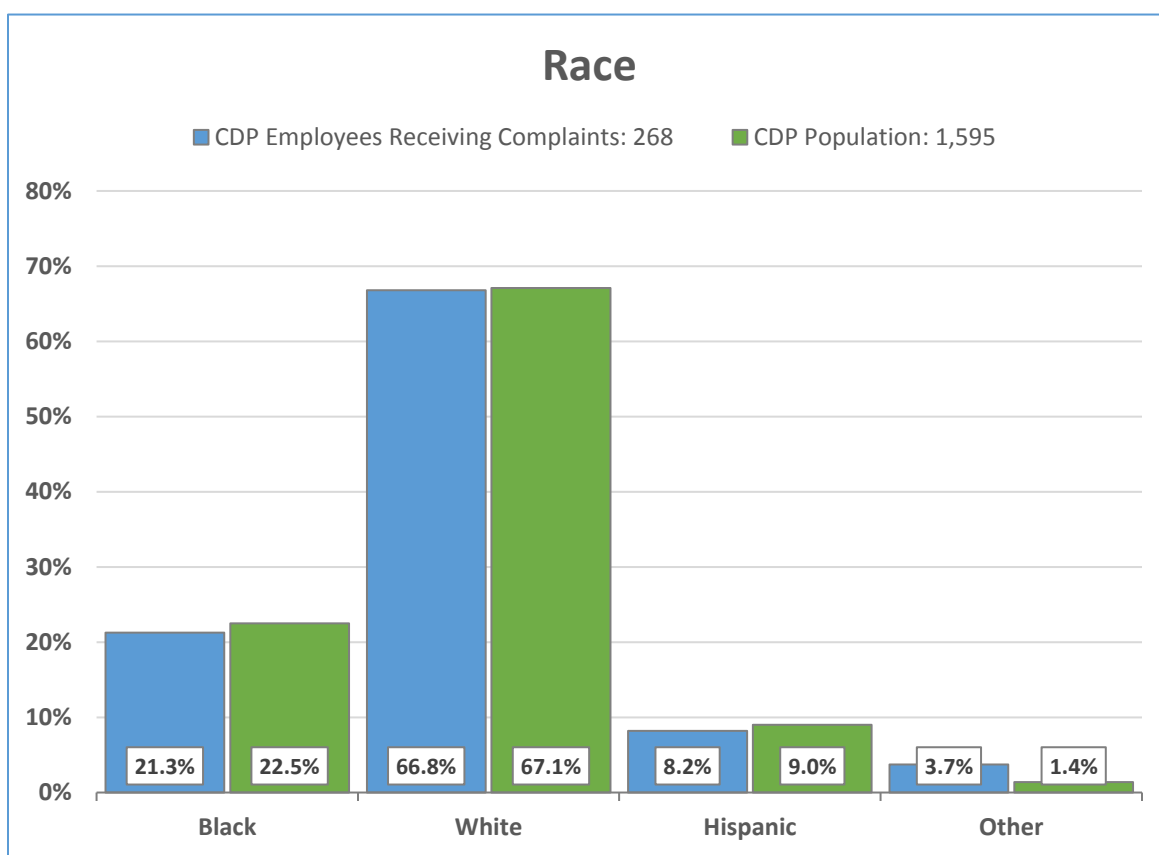


Figure 17: Race of CDP Employees Receiving Complaints in 2020

<sup>11</sup> In a number of OPS cases, the exact number of involved officers in the complaint has not been finalized as of the writing of this report. So, it is reasonable to assume that this number is going to change upwards as the investigations progress in 2021.

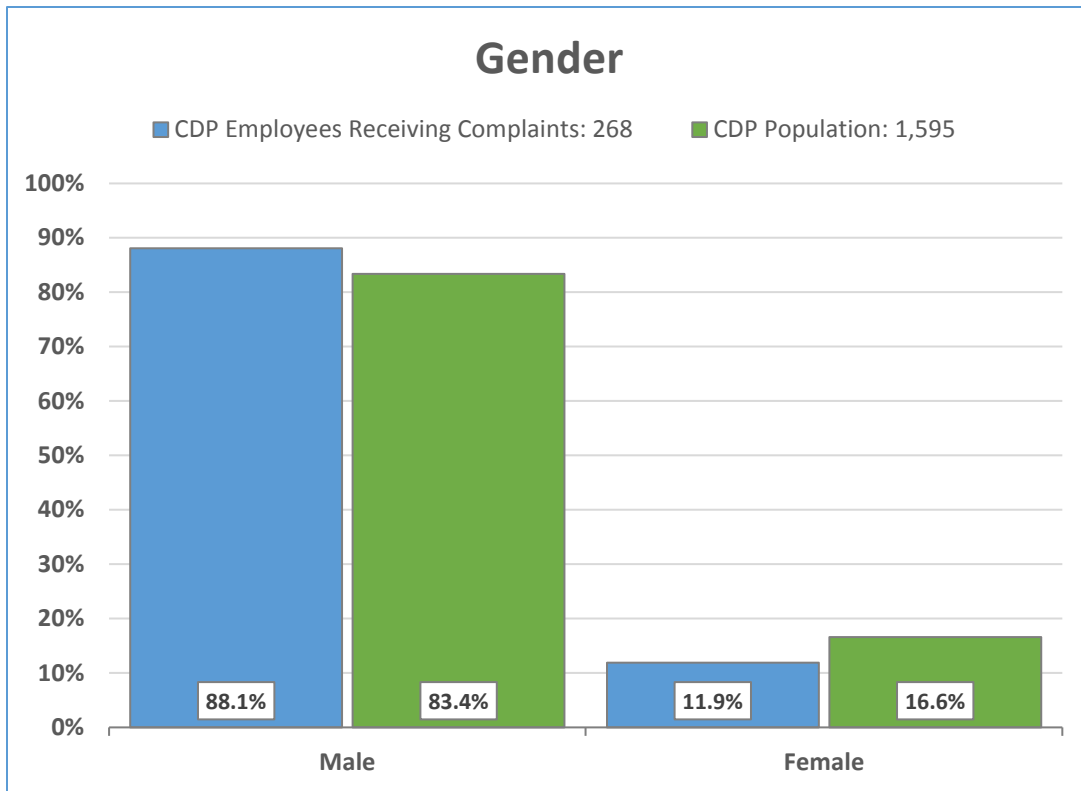


Figure 18: Gender of CDP Employees Receiving Complaints in 2020

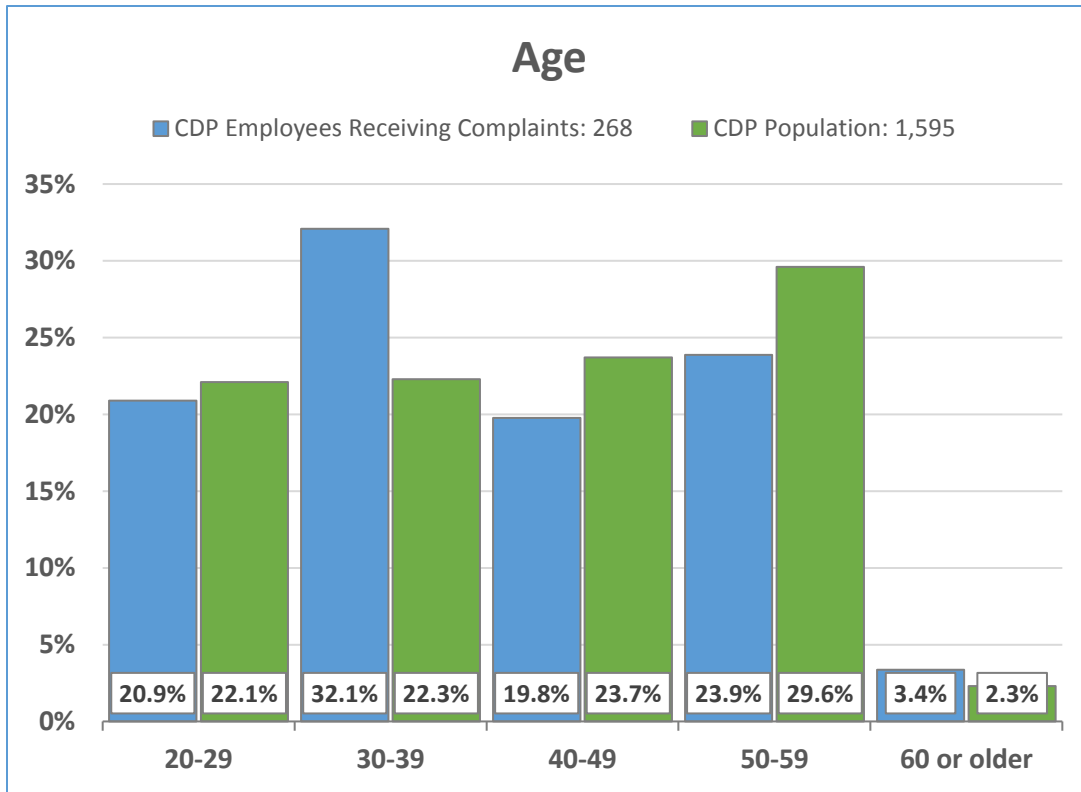
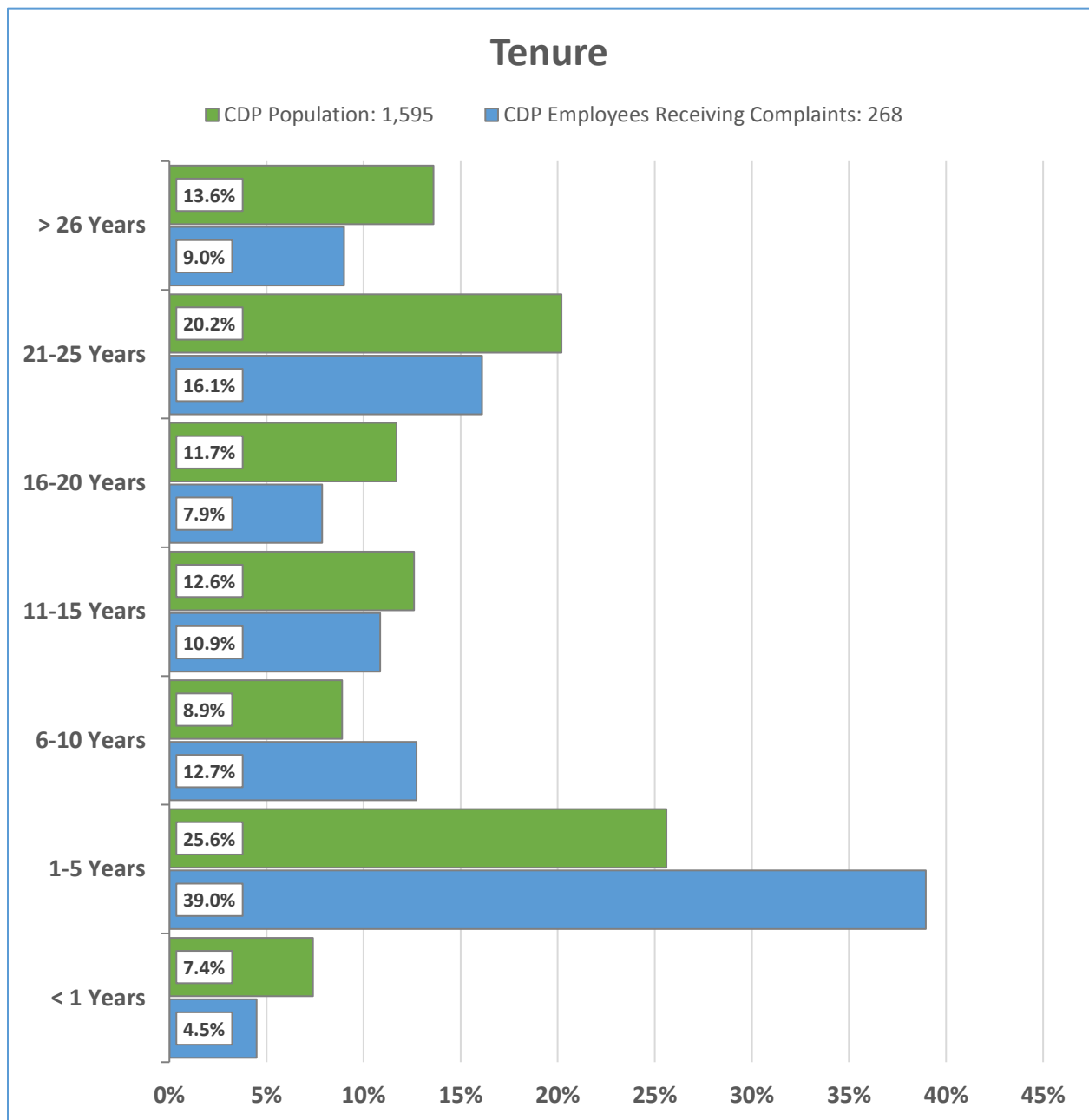


Figure 19: Age of CDP Employees Receiving Complaints in 2020





*Figure 20: Tenure of CDP Employees Receiving Complaints in 2020*

# Complainant and CDP Employee Demographic Pairings

The most frequent complainant-officer pairings in 2020, were black complainants filing complaints against white officers, which accounted for 53.9 percent of the complaints received. Black complainants filing complaints against black officers accounted for 14.1 percent of all complaints received, and white complainants filing complaints against white officers also accounted for 14.1 percent of the complaints received. The full list of pairings is presented on Figure 21, below.

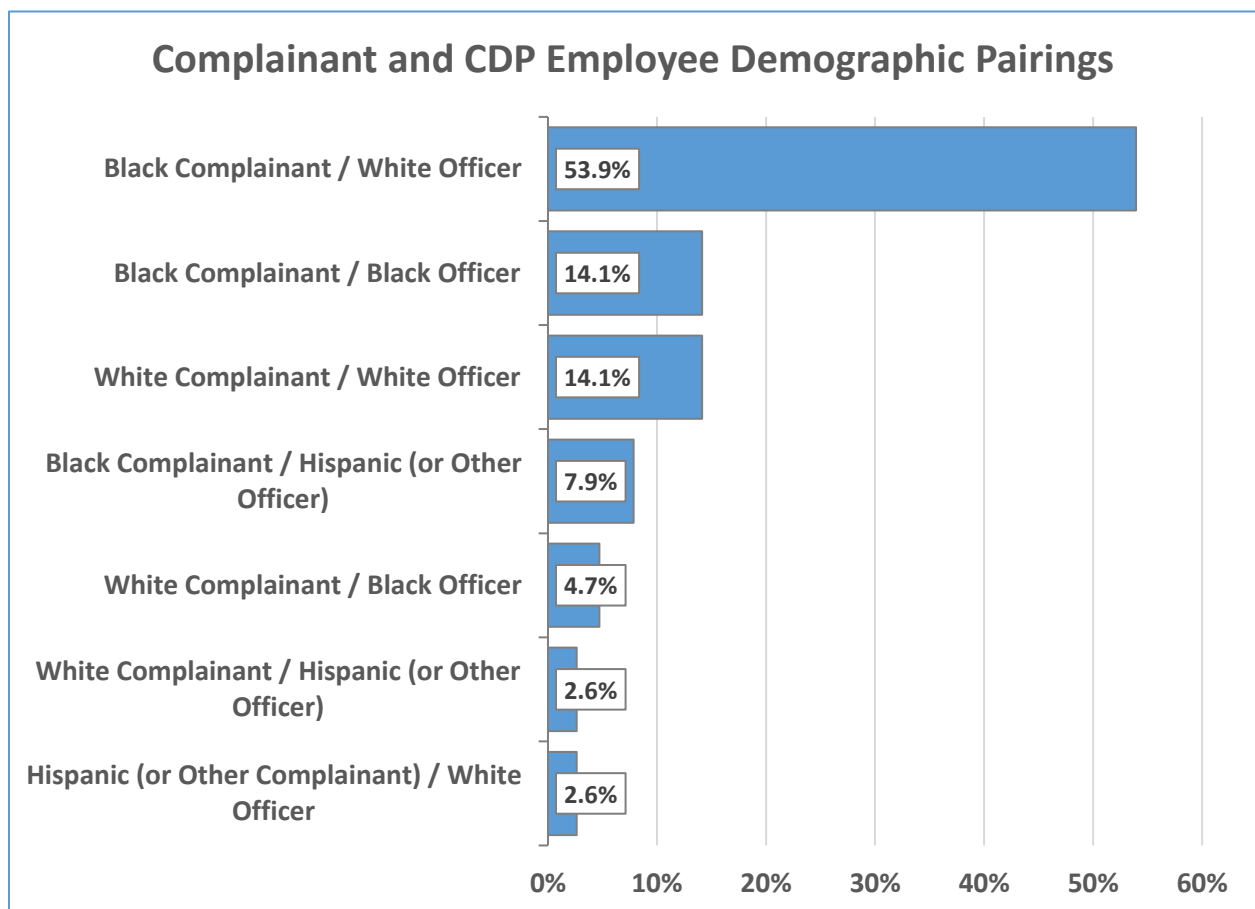


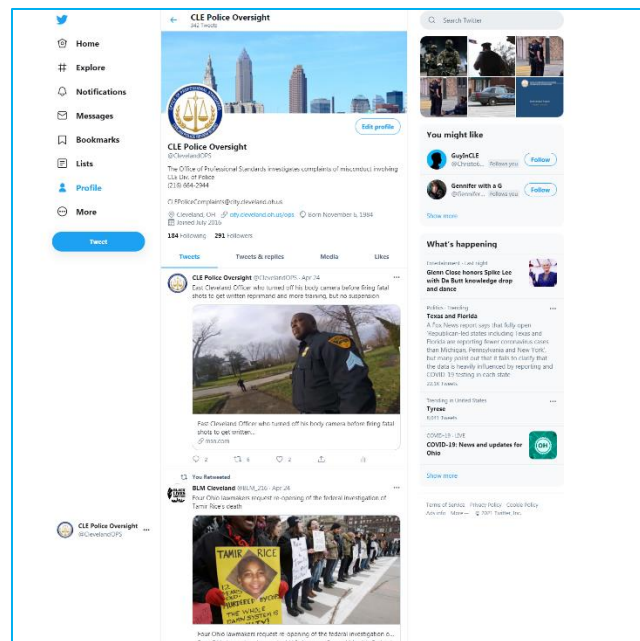
Figure 21: Complainant and CDP Employee Pairing in 2020

# Community Outreach

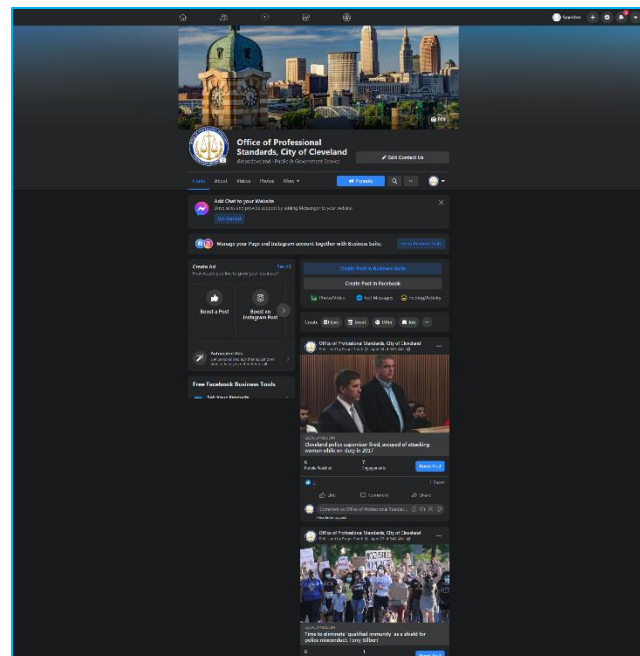
The Mission of the Office of Professional Standards include increasing awareness throughout local communities about the agency, its purpose, and the process for filing police misconduct complaints against CDP employees.

To help increase awareness, the Office of Professional Standards welcomes opportunities to conduct and take part in community outreach activities that allow OPS staff to communicate information about the civilian oversight process in the City of Cleveland. Specifically, the Office of Professional Standards offers presentations to community centers, community organizations, high schools, community colleges, universities, sports clubs, churches, neighborhood groups, business associations, and local agencies.

In 2020, consistent with social distancing requirements, OPS was not able to conduct face-to-face meetings and presentations and focused primarily upon outreach activities through social media, such as Twitter and Facebook.



OPS Twitter Page:  
<https://twitter.com/ClevelandOPS>



OPS Facebook Page:  
<https://www.facebook.com/opsclleveland>

# Goals for 2021

The Office of Professional Standards has set three main goals for the 2021 calendar year:

## **Reduce active caseload by 20 percent**

At the publication of this report, OPS has an active caseload of 195 investigations. With our current staffing level of nine full-time investigators and the rapid increase in our number of cases received, OPS must make every effort to ensure that the active caseload remains sustainable and susceptible to swift investigative action. Thus, OPS will strive to reduce our active caseload to 156 by the end of 2021.

## **Restart the mediation workgroup**

In February 2020, following recommendations from the CPC and federal monitors, a workgroup of city officials was formed to explore the possible introduction of mediation as an avenue to resolve some civilian complaints. Two months later, COVID-related constraints on city services prompted the temporary dissolution of the workgroup. It is expected that OPS, with involvement from Cleveland city officials and input from community stakeholders, will be able to restart the workgroup prior to the end of 2021 and continue progress toward the development of a mediation program.

## **Hire a General Manager**

The OPS General Manager position, vacant since March 2020 due to budget limitations, represents one-third of the office's supervisory staff and plays a pivotal role in nearly all aspects of OPS operations. This continuing vacancy has created undue pressure on OPS support staff and hindered the agency's pursuit of Consent Decree goals. Consistent with budget limitations, OPS will make every effort to hire a new General Manager within the 2021 calendar year.



**Office of Professional Standards  
& Civilian Police Review Board**

205 W. St. Clair Ave., Suite 301  
Cleveland, Ohio 44113

Phone: 216.664.2944

Fax: 216.420.8764

Web: <https://www.clevelandohio.gov/ops>

